

AMENDED IN ASSEMBLY JUNE 25, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MARCH 29, 2007

SENATE BILL

No. 534

Introduced by Senator Perata

February 22, 2007

An act to amend Sections 101, 205, 1601.1, 1616.5, 1621, 1670.1, 1680, 1721, 1721.5, 1725, 1741, ~~1742, 1742.1, 1743, 1744, 1742.1, 1745, 1746, 1746.1, 1748, 1749, 1750.4, 1751, 1753, 1767, 1770, 1771, 4999.2, and 4999.7~~ of, to add Article 9 (commencing with Section 1900) to Chapter 4 of Division 2 of, ~~and to repeal Sections 1744, 1760, 1760.5, 1761, 1762, 1763, 1764, 1765, 1766, 1768, 1769, 1772, 1774, and 1775~~ of, ~~and to repeal and add Sections 1742 and 1743 of~~, the Business and Professions Code, to amend Section 44876 of the Education Code, and to amend Sections 1348.8 and 128160 of the Health and Safety Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 534, as amended, Perata. Dentistry: dental hygienists.

(1) Existing law provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint an executive officer. ~~Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board and authorizing the board to appoint an executive officer, are inoperative as of July 1, 2008, and are repealed as of January 1, 2009. The provisions establishing the committee are inoperative as of July 1, 2009, and are repealed as of January 1, 2010.~~

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dental auxiliaries. Under that act, dental auxiliaries are defined as including, among others, dental assistants, registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice. The act ~~makes~~ *establishes* the Committee on Dental Auxiliaries, which has a specified membership that includes 3 registered dental hygienist members, *and makes it* responsible for licensing those who practice as a dental auxiliary and makes the Dental Board of California responsible for all disciplinary actions against a dental auxiliary and for approving all of their continuing education requirements. Under the act, fees collected in connection with the practice of a dental auxiliary are deposited into the State Dental Auxiliary Fund, in the Professions and Vocations Fund.

~~This bill would rename the Committee on Dental Auxiliaries the Committee on Dental Assistants, and would revise the membership of the committee to remove the 3 registered dental hygienist members~~ *abolish the Committee on Dental Auxiliaries and transfer its authority to the board.* The bill would ~~also create the California Dental Hygiene Board in the Department of Consumer Affairs, with,~~ *within the jurisdiction of the board, the Advisory Committee on Dental Assistants with specified membership and duties. The provisions establishing the advisory committee would be inoperative July 1, 2010, and repealed on January 1, 2011.*

The bill would also create, within the jurisdiction of the board, the Committee on Dental Hygiene, which would have specified membership memberships and duties. The bill would establish criteria for licensure by the ~~California Dental Hygiene Board~~ *Committee on Dental Hygiene* of a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended practice. The bill would set forth the ~~California Dental Hygiene Board's~~ *Committee on Dental Hygiene's* functions and duties, including issuing, reviewing, and revoking licenses, developing and administering examinations, determining fees and education programs and continuing education requirements for a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions, and adopting regulations.

This bill would create the State Dental Hygiene Fund in the Professions and Vocations Fund and would require that fees paid by

licensees *dental hygienists* and certain fines be deposited into the fund. The bill would require a transfer of a specified amount into the fund from the State Dental Auxiliary Fund, which would be renamed the State Dental Assistant Fund. The bill would also require that the funds deposited in the State Dentistry Fund, the State Dental Hygiene Fund, and the State Dental Assistant Fund be subject to appropriation by the Legislature in the annual Budget Act.

This bill would specify acts *by dental hygienists* that would constitute unprofessional conduct, and would also specify acts that would constitute crimes. The bill would require the ~~California Dental Hygiene Board~~ *Committee on Dental Hygiene* to establish a diversion program for licensees whose competency may be impaired due to drug or alcohol abuse and to establish diversion evaluation committees, with specified duties in that regard.

Because a violation of certain provisions of the bill would be a crime, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101 of the Business and Professions Code
- 2 is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.
- 7 (d) The California State Board of Pharmacy.
- 8 (e) The Veterinary Medical Board.
- 9 (f) The California Board of Accountancy.
- 10 (g) The California Architects Board.
- 11 (h) The Bureau of Barbering and Cosmetology.
- 12 (i) The Board for Professional Engineers and Land Surveyors.
- 13 (j) The Contractors' State License Board.

- 1 (k) The Bureau for Private Postsecondary and Vocational
2 Education.
3 (l) The Structural Pest Control Board.
4 (m) The Bureau of Home Furnishings and Thermal Insulation.
5 (n) The Board of Registered Nursing.
6 (o) The Board of Behavioral Sciences.
7 (p) The State Athletic Commission.
8 (q) The Cemetery and Funeral Bureau.
9 (r) The State Board of Guide Dogs for the Blind.
10 (s) The Bureau of Security and Investigative Services.
11 (t) The Court Reporters Board of California.
12 (u) The Board of Vocational Nursing and Psychiatric
13 Technicians.
14 (v) The Landscape Architects Technical Committee.
15 (w) The Bureau of Electronic and Appliance Repair.
16 (x) The Division of Investigation.
17 (y) The Bureau of Automotive Repair.
18 (z) The State Board of Registration for Geologists and
19 Geophysicists.
20 (aa) The Respiratory Care Board of California.
21 (ab) The Acupuncture Board.
22 (ac) The Board of Psychology.
23 (ad) The California Board of Podiatric Medicine.
24 (ae) The Physical Therapy Board of California.
25 (af) The Arbitration Review Program.
26 ~~(ag) The Committee on Dental Assistants.~~
27 ~~(ah)~~
28 (ag) The Hearing Aid Dispensers Bureau.
29 ~~(ai)~~
30 (ah) The Physician Assistant Committee.
31 ~~(aj)~~
32 (ai) The Speech-Language Pathology and Audiology Board.
33 ~~(ak)~~
34 (aj) The California Board of Occupational Therapy.
35 ~~(al)~~
36 (ak) The Osteopathic Medical Board of California.
37 ~~(am)~~
38 (al) The Bureau of Naturopathic Medicine.
39 ~~(an) The California Dental Hygiene Board.~~
40 ~~(ao)~~

1 (am) Any other boards, offices, or officers subject to its
2 jurisdiction by law.

3 SEC. 2. Section 205 of the Business and Professions Code is
4 amended to read:

5 205. (a) There is in the State Treasury the Professions and
6 Vocations Fund. The fund shall consist of the following special
7 funds:

- 8 (1) Accountancy Fund.
- 9 (2) California Board of Architectural Examiners' Fund.
- 10 (3) Athletic Commission Fund.
- 11 (4) Barbering and Cosmetology Contingent Fund.
- 12 (5) Cemetery Fund.
- 13 (6) Contractors' License Fund.
- 14 (7) State Dentistry Fund.
- 15 (8) State Funeral Directors and Embalmers Fund.
- 16 (9) Guide Dogs for the Blind Fund.
- 17 (10) Bureau of Home Furnishings and Thermal Insulation Fund.
- 18 (11) California Board of Architectural Examiners-Landscape
19 Architects Fund.
- 20 (12) Contingent Fund of the Medical Board of California.
- 21 (13) Optometry Fund.
- 22 (14) Pharmacy Board Contingent Fund.
- 23 (15) Physical Therapy Fund.
- 24 (16) Private Investigator Fund.
- 25 (17) Professional Engineers' and Land Surveyors' Fund.
- 26 (18) Consumer Affairs Fund.
- 27 (19) Behavioral Sciences Fund.
- 28 (20) Licensed Midwifery Fund.
- 29 (21) Court Reporters' Fund.
- 30 (22) Structural Pest Control Fund.
- 31 (23) Veterinary Medical Board Contingent Fund.
- 32 (24) Vocational Nurses Account of the Vocational Nursing and
33 Psychiatric Technicians Fund.
- 34 (25) State Dental Assistant Fund.
- 35 (26) Electronic and Appliance Repair Fund.
- 36 (27) Geology and Geophysics Fund.
- 37 (28) Dispensing Opticians Fund.
- 38 (29) Acupuncture Fund.
- 39 (30) Hearing Aid Dispensers Fund.
- 40 (31) Physician Assistant Fund.

1 (32) Board of Podiatric Medicine Fund.

2 (33) Psychology Fund.

3 (34) Respiratory Care Fund.

4 (35) Speech-Language Pathology and Audiology Fund.

5 (36) Board of Registered Nursing Fund.

6 (37) Psychiatric Technician Examiners Account of the
7 Vocational Nursing and Psychiatric Technicians Fund.

8 (38) Animal Health Technician Examining Committee Fund.

9 (39) Structural Pest Control Education and Enforcement Fund.

10 (40) Structural Pest Control Research Fund.

11 (41) State Dental Hygiene Fund.

12 (b) For accounting and recordkeeping purposes, the Professions
13 and Vocations Fund shall be deemed to be a single special fund,
14 and each of the several special funds therein shall constitute and
15 be deemed to be a separate account in the Professions and
16 Vocations Fund. Each account or fund shall be available for
17 expenditure only for the purposes as are now or may hereafter be
18 provided by law.

19 SEC. 3. Section 1601.1 of the Business and Professions Code
20 is amended to read:

21 1601.1. (a) There shall be in the Department of Consumer
22 Affairs the Dental Board of California in which the administration
23 of this chapter is vested. The board shall consist of eight practicing
24 dentists, one registered dental hygienist, one registered dental
25 assistant, and four public members. Of the eight practicing dentists,
26 one shall be a member of a faculty of any California dental college
27 and one shall be a dentist practicing in a nonprofit community
28 clinic. The appointing powers, described in Section 1603, may
29 appoint to the board a person who was a member of the prior board.
30 The board shall be organized into standing committees dealing
31 with examinations, enforcement, and other subjects as the board
32 deems appropriate.

33 (b) For purposes of this chapter, any reference in this chapter
34 to the Board of Dental Examiners shall be deemed to refer to the
35 Dental Board of California.

36 (c) The board shall have all authority previously vested in the
37 existing board under this chapter. The board may enforce all
38 disciplinary actions undertaken by the previous board.

39 (d) This section shall become inoperative on July 1, 2010, and,
40 as of January 1, 2011, is repealed, unless a later enacted statute

1 that is enacted before January 1, 2011, deletes or extends the dates
2 on which it becomes inoperative and is repealed. The repeal of
3 this section renders the board subject to the review required by
4 Division 1.2 (commencing with Section 473).

5 SEC. 4. Section 1616.5 of the Business and Professions Code
6 is amended to read:

7 1616.5. (a) The board, by and with the approval of the director,
8 may appoint a person exempt from civil service who shall be
9 designated as an executive officer and who shall exercise the
10 powers and perform the duties delegated by the board and vested
11 in him or her by this chapter.

12 (b) This section shall become inoperative on July 1, 2010, and,
13 as of January 1, 2011, is repealed, unless a later enacted statute
14 that is enacted before January 1, 2011, deletes or extends the dates
15 on which it becomes inoperative and is repealed.

16 SEC. 5. Section 1621 of the Business and Professions Code is
17 amended to read:

18 1621. The board shall utilize in the administration of its
19 licensure examinations only examiners whom it has appointed and
20 who meet the following criteria:

21 (a) Possession of a valid license to practice dentistry in this state
22 or possession of a valid license in one of the following categories:
23 registered dental assistant, registered dental assistant in extended
24 functions, registered dental hygienist, registered dental hygienist
25 in extended functions, or registered dental hygienist in alternative
26 practice.

27 (b) Practice as a licensed dentist or in a licensure category
28 described in subdivision (a) for at least five years preceding his or
29 her appointment.

30 (c) Hold no position as an officer or faculty member at any
31 college, school, or institution that provides dental instruction in
32 the same licensure category as that held by the examiner.

33 SEC. 6. Section 1670.1 of the Business and Professions Code
34 is amended to read:

35 1670.1. (a) Any licentiate under this chapter may have his or
36 her license revoked or suspended or be reprimanded or be placed
37 on probation by the board for conviction of a crime substantially
38 related to the qualifications, functions, or duties of a dentist, dental
39 auxiliary, or registered dental hygienist, in which case the record
40 of conviction or a certified copy thereof, certified by the clerk of

1 the court or by the judge in whose court the conviction is had, shall
2 be conclusive evidence.

3 (b) The board shall undertake proceedings under this section
4 upon the receipt of a certified copy of the record of conviction. A
5 plea or verdict of guilty or a conviction following a plea of nolo
6 contendere made to a charge of a felony or of any misdemeanor
7 substantially related to the qualifications, functions, or duties of a
8 dentist, dental auxiliary, or registered dental hygienist is deemed
9 to be a conviction within the meaning of this section. The board
10 may order the license suspended or revoked, or may decline to
11 issue a license, when the time for appeal has elapsed, or the
12 judgment of conviction has been affirmed on appeal or when an
13 order granting probation is made suspending the imposition of
14 sentence, irrespective of a subsequent order under any provision
15 of the Penal Code, including, but not limited to, Section 1203.4
16 of the Penal Code, allowing the person to withdraw his or her plea
17 of guilty and to enter a plea of not guilty, or setting aside the verdict
18 of guilty, or dismissing the accusation, information or indictment.

19 SEC. 7. Section 1680 of the Business and Professions Code is
20 amended to read:

21 1680. Unprofessional conduct by a person licensed under this
22 chapter is defined as, but is not limited to, any one of the following:

23 (a) The obtaining of any fee by fraud or misrepresentation.

24 (b) The employment directly or indirectly of any student or
25 suspended or unlicensed dentist to practice dentistry as defined in
26 this chapter.

27 (c) The aiding or abetting of any unlicensed person to practice
28 dentistry.

29 (d) The aiding or abetting of a licensed person to practice
30 dentistry unlawfully.

31 (e) The committing of any act or acts of sexual abuse,
32 misconduct, or relations with a patient that are substantially related
33 to the practice of dentistry.

34 (f) The use of any false, assumed, or fictitious name, either as
35 an individual, firm, corporation, or otherwise, or any name other
36 than the name under which he or she is licensed to practice, in
37 advertising or in any other manner indicating that he or she is
38 practicing or will practice dentistry, except that name as is specified
39 in a valid permit issued pursuant to Section 1701.5.

1 (g) The practice of accepting or receiving any commission or
2 the rebating in any form or manner of fees for professional services,
3 radiograms, prescriptions, or other services or articles supplied to
4 patients.

5 (h) The making use by the licensee or any agent of the licensee
6 of any advertising statements of a character tending to deceive or
7 mislead the public.

8 (i) The advertising of either professional superiority or the
9 advertising of performance of professional services in a superior
10 manner. This subdivision shall not prohibit advertising permitted
11 by subdivision (h) of Section 651.

12 (j) The employing or the making use of solicitors.

13 (k) The advertising in violation of Section 651.

14 (l) The advertising to guarantee any dental service, or to perform
15 any dental operation painlessly. This subdivision shall not prohibit
16 advertising permitted by Section 651.

17 (m) The violation of any of the provisions of law regulating the
18 procurement, dispensing, or administration of dangerous drugs,
19 as defined in Chapter 9 (commencing with Section 4000), or
20 controlled substances, as defined in Division 10 (commencing
21 with Section 11000) of the Health and Safety Code.

22 (n) The violation of any of the provisions of this division.

23 (o) The permitting of any person to operate dental radiographic
24 equipment who has not met the requirements of Section 1656.

25 (p) The clearly excessive prescribing or administering of drugs
26 or treatment, or the clearly excessive use of diagnostic procedures,
27 or the clearly excessive use of diagnostic or treatment facilities,
28 as determined by the customary practice and standards of the dental
29 profession.

30 Any person who violates this subdivision is guilty of a
31 misdemeanor and shall be punished by a fine of not less than one
32 hundred dollars (\$100) or more than six hundred dollars (\$600),
33 or by imprisonment for a term of not less than 60 days or more
34 than 180 days, or by both a fine and imprisonment.

35 (q) The use of threats or harassment against any patient or
36 licensee for providing evidence in any possible or actual
37 disciplinary action, or other legal action; or the discharge of an
38 employee primarily based on the employee's attempt to comply
39 with the provisions of this chapter or to aid in the compliance.

1 (r) Suspension or revocation of a license issued, or discipline
2 imposed, by another state or territory on grounds which would be
3 the basis of discipline in this state.

4 (s) The alteration of a patient's record with intent to deceive.

5 (t) Unsanitary or unsafe office conditions, as determined by the
6 customary practice and standards of the dental profession.

7 (u) The abandonment of the patient by the licensee, without
8 written notice to the patient that treatment is to be discontinued
9 and before the patient has ample opportunity to secure the services
10 of another dentist or registered dental hygienist and provided the
11 health of the patient is not jeopardized.

12 (v) The willful misrepresentation of facts relating to a
13 disciplinary action to the patients of a disciplined licensee.

14 (w) Use of fraud in the procurement of any license issued
15 pursuant to this chapter.

16 (x) Any action or conduct that would have warranted the denial
17 of the license.

18 (y) The aiding or abetting of a licensed dentist, dental auxiliary,
19 or registered dental hygienist to practice dentistry in a negligent
20 or incompetent manner.

21 (z) The failure to report to the board in writing within seven
22 days any of the following: (1) the death of his or her patient during
23 the performance of any dental or dental hygiene procedure; (2) the
24 discovery of the death of a patient whose death is related to a dental
25 or dental hygiene procedure performed by him or her; or (3) except
26 for a scheduled hospitalization, the removal to a hospital or
27 emergency center for medical treatment for a period exceeding 24
28 hours of any patient to whom oral conscious sedation, conscious
29 sedation, or general anesthesia was administered, or any patient
30 as a result of dental or dental hygiene treatment. With the exception
31 of patients to whom oral conscious sedation, conscious sedation,
32 or general anesthesia was administered, removal to a hospital or
33 emergency center that is the normal or expected treatment for the
34 underlying dental condition is not required to be reported. Upon
35 receipt of a report pursuant to this subdivision the board may
36 conduct an inspection of the dental office if the board finds that it
37 is necessary.

38 (aa) Participating in or operating any group advertising and
39 referral services that are in violation of Section 650.2.

1 (ab) The failure to use a fail-safe machine with an appropriate
2 exhaust system in the administration of nitrous oxide. The board
3 shall, by regulation, define what constitutes a fail-safe machine.

4 (ac) Engaging in the practice of dentistry or dental hygiene with
5 an expired license.

6 (ad) Except for good cause, the knowing failure to protect
7 patients by failing to follow infection control guidelines of the
8 board, thereby risking transmission of blood-borne infectious
9 diseases from dentist, dental auxiliary, or registered dental hygienist
10 to patient, from patient to patient, and from patient to dentist, dental
11 auxiliary, or registered dental hygienist. In administering this
12 subdivision, the board shall consider referencing the standards,
13 regulations, and guidelines of the State Department of Health
14 Services developed pursuant to Section 1250.11 of the Health and
15 Safety Code and the standards, guidelines, and regulations pursuant
16 to the California Occupational Safety and Health Act of 1973 (Part
17 1 (commencing with Section 6300) of Division 5 of the Labor
18 Code) for preventing the transmission of HIV, hepatitis B, and
19 other blood-borne pathogens in health care settings. As necessary,
20 the board shall consult with the Medical Board of California, the
21 California Board of Podiatric Medicine, the Board of Registered
22 Nursing, and the Board of Vocational Nursing and Psychiatric
23 Technicians, to encourage appropriate consistency in the
24 implementation of this subdivision.

25 The board shall seek to ensure that licensees and others regulated
26 by the board are informed of the responsibility of licensees and
27 others to follow infection control guidelines, and of the most recent
28 scientifically recognized safeguards for minimizing the risk of
29 transmission of blood-borne infectious diseases.

30 (ae) The utilization by a licensed dentist of any person to
31 perform the functions of a registered dental assistant, registered
32 dental assistant in extended functions, registered dental hygienist,
33 or registered dental hygienist in extended functions who, at the
34 time of initial employment, does not possess a current, valid license
35 to perform those functions.

36 (af) The prescribing, dispensing, or furnishing of dangerous
37 drugs or devices, as defined in Section 4022, in violation of Section
38 2242.1.

39 SEC. 8. Section 1721 of the Business and Professions Code is
40 amended to read:

1721. Except as provided in Sections 1721.5 and 1945, all funds received by the Treasurer under the authority of this chapter shall be placed in the State Dentistry Fund. Expenditure of those funds shall be subject to appropriation by the Legislature in the annual Budget Act. Subject to that appropriation, and except as provided in Sections 1721.5 and 1945, all disbursements by the board made in the transaction of its business and in the enforcement of this chapter shall be paid out of the fund upon claims against the state.

SEC. 9. Section 1721.5 of the Business and Professions Code is amended to read:

1721.5. All funds received by the Treasurer under the authority of this chapter that relate to registered dental assistants shall be placed in the State Dental Assistant Fund for the purposes of administering this chapter as it relates to registered dental assistants. Expenditure of those funds shall be subject to appropriation by the Legislature in the annual Budget Act.

SEC. 10. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing of dental auxiliaries shall be established by board resolution and subject to the following limitations:

(a) The application fee for an original license shall not exceed twenty dollars (\$20).

(b) (1) The fee for examination for licensure as a registered dental assistant shall not exceed fifty dollars (\$50) for the written examination and shall not exceed sixty dollars (\$60) for the practical examination.

(2) On and after January 1, 2008, the fee for application and for the issuance of a license as a registered orthodontic assistant, registered surgery assistant, registered restorative assistant, or registered dental assistant shall not exceed fifty dollars (\$50), and the fee for the practical examination for licensure as a registered orthodontic assistant, registered surgery assistant, or registered restorative assistant shall not exceed sixty dollars (\$60).

(c) The fee for examination for licensure as a registered dental assistant in extended functions or a registered restorative assistant in extended functions shall not exceed two hundred fifty dollars (\$250).

1 (d) The biennial renewal fee for a dental auxiliary shall not
2 exceed eighty dollars (\$80).

3 (e) The delinquency fee shall not exceed twenty-five dollars
4 (\$25) or one-half of the renewal fee, whichever is greater. Any
5 delinquent license may be restored only upon payment of all fees,
6 including the delinquency fee.

7 (f) The fee for issuance of a duplicate registration, license, or
8 certificate to replace one that is lost or destroyed, or in the event
9 of a name change, shall not exceed twenty-five dollars (\$25).

10 (g) The fee for each curriculum review and site evaluation for
11 educational programs for registered dental assistants that are not
12 accredited by a board-approved agency, the Council for Private
13 Postsecondary and Vocational Education, or the Chancellor's office
14 of the California Community Colleges shall not exceed one
15 thousand four hundred dollars (\$1,400).

16 (h) The fee for each review of radiation safety courses or
17 specialty registration courses that are not accredited by a
18 board-approved agency, the Council for Private Postsecondary
19 and Vocational Education, or the Chancellor's office of the
20 California Community Colleges shall not exceed three hundred
21 dollars (\$300).

22 (i) No fees or charges other than those listed in subdivisions (a)
23 through (h) shall be levied by the board in connection with the
24 licensure of dental auxiliaries, registered dental assistants
25 educational program site evaluations and radiation safety course
26 evaluations pursuant to this chapter.

27 (j) Fees fixed by the board pursuant to this section shall not be
28 subject to the approval of the Office of Administrative Law.

29 (k) Fees collected pursuant to this section shall be deposited in
30 the State Dental Assistant Fund.

31 SEC. 11. Section 1741 of the Business and Professions Code
32 is amended to read:

33 1741. As used in this article:

34 (a) "*Advisory committee*" means the *Advisory Committee on*
35 *Dental Assistants*.

36 ~~(a)~~

37 (b) "Board" means the Dental Board of California.

38 ~~(b) "Committee" means the Committee on Dental Assistants.~~

39 (c) "Direct supervision" means supervision of dental procedures
40 based on instructions given by a licensed dentist, who must be

1 physically present in the treatment facility during the performance
2 of those procedures.

3 (d) “General supervision” means supervision of dental
4 procedures based on instructions given by a licensed dentist but
5 not requiring the physical presence of the supervising dentist during
6 the performance of those procedures.

7 (e) “Dental auxiliary” means a person who may perform dental
8 assisting procedures authorized by this article.

9 ~~SEC. 12. Section 1742 of the Business and Professions Code~~
10 ~~is amended to read:~~

11 ~~1742. (a) There is within the jurisdiction of the board a~~
12 ~~Committee on Dental Assistants.~~

13 ~~(b) The Committee on Dental Assistants shall have the following~~
14 ~~areas of responsibility and duties:~~

15 ~~(1) The committee shall have the following duties and authority~~
16 ~~related to education programs and curriculum:~~

17 ~~(A) Shall evaluate all dental auxiliary programs applying for~~
18 ~~board approval in accordance with board rules governing the~~
19 ~~programs.~~

20 ~~(B) May appoint board members to any evaluation committee.~~
21 ~~Board members so appointed shall not make a final decision on~~
22 ~~the issue of program or course approval.~~

23 ~~(C) Shall report and make recommendations to the board as to~~
24 ~~whether a program or course qualifies for approval. The board~~
25 ~~retains the final authority to grant or deny approval to a program~~
26 ~~or course.~~

27 ~~(D) Shall review and document any alleged deficiencies that~~
28 ~~might warrant board action to withdraw or revoke approval of a~~
29 ~~program or course, at the request of the board.~~

30 ~~(E) May review and document any alleged deficiencies that~~
31 ~~might warrant board action to withdraw or revoke approval of a~~
32 ~~program or course, at its own initiation.~~

33 ~~(2) The committee shall have the following duties and authority~~
34 ~~related to applications:~~

35 ~~(A) Shall review and evaluate all applications for licensure in~~
36 ~~the various dental auxiliary categories to ascertain whether a~~
37 ~~candidate meets the appropriate licensing requirements specified~~
38 ~~by statute and board regulations.~~

1 ~~(B) Shall maintain application records, cashier application fees,~~
2 ~~and perform any other ministerial tasks as are incidental to the~~
3 ~~application process.~~

4 ~~(C) May delegate any or all of the functions in this paragraph~~
5 ~~to its staff.~~

6 ~~(D) Shall issue dental auxiliary licenses in all cases, except~~
7 ~~where there is a question as to a licensing requirement. The board~~
8 ~~retains final authority to interpret any licensing requirement. If a~~
9 ~~question arises in the area of interpreting any licensing requirement,~~
10 ~~it shall be presented by the committee to the board for resolution.~~

11 ~~(3) The committee shall have the following duties and authority~~
12 ~~regarding examinations:~~

13 ~~(A) Shall advise the board as to the type of license examination~~
14 ~~it deems appropriate for the various dental auxiliary license~~
15 ~~categories.~~

16 ~~(B) Shall, at the direction of the board, develop or cause to be~~
17 ~~developed, administer, or both, examinations in accordance with~~
18 ~~the board's instructions and periodically report to the board on the~~
19 ~~progress of those examinations. The following shall apply to the~~
20 ~~examination procedure:~~

21 ~~(i) The examination shall be submitted to the board for its~~
22 ~~approval prior to its initial administration.~~

23 ~~(ii) Once an examination has been approved by the board, no~~
24 ~~further approval is required unless a major modification is made~~
25 ~~to the examination.~~

26 ~~(iii) The committee shall report to the board on the results of~~
27 ~~each examination and shall, where appropriate, recommend pass~~
28 ~~points.~~

29 ~~(iv) The board shall set pass points for all dental auxiliary~~
30 ~~licensing examinations.~~

31 ~~(C) May appoint board members to any examination committee~~
32 ~~established pursuant to subparagraph (B).~~

33 ~~(4) The committee shall periodically report and make~~
34 ~~recommendations to the board concerning the level of fees for~~
35 ~~dental auxiliaries and the need for any legislative fee increase.~~
36 ~~However, the board retains final authority to set all fees.~~

37 ~~(5) The committee shall be responsible for all aspects of the~~
38 ~~license renewal process, which shall be accomplished in accordance~~
39 ~~with this chapter and board regulations. The committee may~~
40 ~~delegate any or all of its functions under this paragraph to its staff.~~

1 ~~(6) The committee shall have no authority with respect to the~~
2 ~~approval of continuing education providers and the board retains~~
3 ~~all of this authority.~~

4 ~~(7) The committee shall advise the board as to appropriate~~
5 ~~standards of conduct for dental auxiliaries, the proper ordering of~~
6 ~~enforcement priorities, and any other enforcement-related matters~~
7 ~~that the board may, in the future, delegate to the committee. The~~
8 ~~board shall retain all authority with respect to the enforcement~~
9 ~~actions, including, but not limited to, complaint resolution,~~
10 ~~investigation, and disciplinary action against dental auxiliaries.~~

11 ~~(8) The committee shall have the following duties regarding~~
12 ~~regulations:~~

13 ~~(A) To review and evaluate all suggestions or requests for~~
14 ~~regulatory changes related to dental auxiliaries.~~

15 ~~(B) To report and make recommendations to the board, after~~
16 ~~consultation with departmental legal counsel and the board's~~
17 ~~executive officer.~~

18 ~~(C) To include in any report regarding a proposed regulatory~~
19 ~~change, at a minimum, the specific language of the proposed~~
20 ~~changes and the reasons for and facts supporting the need for the~~
21 ~~change. The board has the final rulemaking authority.~~

22 ~~(e) This section shall become inoperative on July 1, 2010, and,~~
23 ~~as of January 1, 2011, is repealed, unless a later enacted statute~~
24 ~~which becomes effective on or before January 1, 2011, deletes or~~
25 ~~extends the dates on which it becomes inoperative and is repealed.~~
26 ~~The repeal of this section renders the committee subject to the~~
27 ~~review required by Division 1.2 (commencing with Section 473).~~

28 ~~SEC. 12. Section 1742 of the Business and Professions Code~~
29 ~~is repealed.~~

30 ~~1742. (a) There is within the jurisdiction of the board a~~
31 ~~Committee on Dental Auxiliaries.~~

32 ~~(b) The Committee on Dental Auxiliaries shall have the~~
33 ~~following areas of responsibility and duties:~~

34 ~~(1) The committee shall have the following duties and authority~~
35 ~~related to education programs and curriculum:~~

36 ~~(A) Shall evaluate all dental auxiliary programs applying for~~
37 ~~board approval in accordance with board rules governing the~~
38 ~~programs.~~

1 ~~(B) May appoint board members to any evaluation committee.~~
2 ~~Board members so appointed shall not make a final decision on~~
3 ~~the issue of program or course approval.~~

4 ~~(C) Shall report and make recommendations to the board as to~~
5 ~~whether a program or course qualifies for approval. The board~~
6 ~~retains the final authority to grant or deny approval to a program~~
7 ~~or course.~~

8 ~~(D) Shall review and document any alleged deficiencies that~~
9 ~~might warrant board action to withdraw or revoke approval of a~~
10 ~~program or course, at the request of the board.~~

11 ~~(E) May review and document any alleged deficiencies that~~
12 ~~might warrant board action to withdraw or revoke approval of a~~
13 ~~program or course, at its own initiation.~~

14 ~~(2) The committee shall have the following duties and authority~~
15 ~~related to applications:~~

16 ~~(A) Shall review and evaluate all applications for licensure in~~
17 ~~the various dental auxiliary categories to ascertain whether a~~
18 ~~candidate meets the appropriate licensing requirements specified~~
19 ~~by statute and board regulations.~~

20 ~~(B) Shall maintain application records, cashier application fees,~~
21 ~~and perform any other ministerial tasks as are incidental to the~~
22 ~~application process.~~

23 ~~(C) May delegate any or all of the functions in this paragraph~~
24 ~~to its staff.~~

25 ~~(D) Shall issue auxiliary licenses in all cases, except where there~~
26 ~~is a question as to a licensing requirement. The board retains final~~
27 ~~authority to interpret any licensing requirement. If a question arises~~
28 ~~in the area of interpreting any licensing requirement, it shall be~~
29 ~~presented by the committee to the board for resolution.~~

30 ~~(3) The committee shall have the following duties and authority~~
31 ~~regarding examinations:~~

32 ~~(A) Shall advise the board as to the type of license examination~~
33 ~~it deems appropriate for the various dental auxiliary license~~
34 ~~categories.~~

35 ~~(B) Shall, at the direction of the board, develop or cause to be~~
36 ~~developed, administer, or both, examinations in accordance with~~
37 ~~the board's instructions and periodically report to the board on the~~
38 ~~progress of those examinations. The following shall apply to the~~
39 ~~examination procedure:~~

- 1 ~~(i) The examination shall be submitted to the board for its~~
2 ~~approval prior to its initial administration.~~
3 ~~(ii) Once an examination has been approved by the board, no~~
4 ~~further approval is required unless a major modification is made~~
5 ~~to the examination.~~
6 ~~(iii) The committee shall report to the board on the results of~~
7 ~~each examination and shall, where appropriate, recommend pass~~
8 ~~points.~~
9 ~~(iv) The board shall set pass points for all dental auxiliary~~
10 ~~licensing examinations.~~
11 ~~(C) May appoint board members to any examination committee~~
12 ~~established pursuant to subparagraph (B).~~
13 ~~(4) The committee shall periodically report and make~~
14 ~~recommendations to the board concerning the level of fees for~~
15 ~~dental auxiliaries and the need for any legislative fee increase.~~
16 ~~However, the board retains final authority to set all fees.~~
17 ~~(5) The committee shall be responsible for all aspects of the~~
18 ~~license renewal process, which shall be accomplished in accordance~~
19 ~~with this chapter and board regulations. The committee may~~
20 ~~delegate any or all of its functions under this paragraph to its staff.~~
21 ~~(6) The committee shall have no authority with respect to the~~
22 ~~approval of continuing education providers and the board retains~~
23 ~~all of this authority.~~
24 ~~(7) The committee shall advise the board as to appropriate~~
25 ~~standards of conduct for auxiliaries, the proper ordering of~~
26 ~~enforcement priorities, and any other enforcement-related matters~~
27 ~~that the board may, in the future, delegate to the committee. The~~
28 ~~board shall retain all authority with respect to the enforcement~~
29 ~~actions, including, but not limited to, complaint resolution,~~
30 ~~investigation, and disciplinary action against auxiliaries.~~
31 ~~(8) The committee shall have the following duties regarding~~
32 ~~regulations:~~
33 ~~(A) To review and evaluate all suggestions or requests for~~
34 ~~regulatory changes related to dental auxiliaries.~~
35 ~~(B) To report and make recommendations to the board, after~~
36 ~~consultation with departmental legal counsel and the board's~~
37 ~~executive officer.~~
38 ~~(C) To include in any report regarding a proposed regulatory~~
39 ~~change, at a minimum, the specific language of the proposed~~

1 changes and the reasons for and facts supporting the need for the
2 change. The board has the final rulemaking authority.

3 ~~(e) This section shall become inoperative on July 1, 2009, and,~~
4 ~~as of January 1, 2010, is repealed, unless a later enacted statute~~
5 ~~which becomes effective on or before January 1, 2010, deletes or~~
6 ~~extends the dates on which it becomes inoperative and is repealed.~~
7 ~~The repeal of this section renders the committee subject to the~~
8 ~~review required by Division 1.2 (commencing with Section 473).~~

9 *SEC. 13. Section 1742 is added to the Business and Professions*
10 *Code, to read:*

11 *1742. (a) There is within the board an Advisory Committee*
12 *on Dental Assistants.*

13 *(b) The advisory committee shall be composed of the following*
14 *three members, appointed by the executive officer of the board:*

15 *(1) One member of the board who is a registered dental*
16 *assistant.*

17 *(2) Two other members of the board.*

18 *(c) The advisory committee shall have the following functions:*

19 *(1) Consider and make appropriate recommendations to the*
20 *board in all matters relating to dental assistants in this state.*

21 *(2) Provide assistance as may be requested by the board in the*
22 *exercise of its powers and duties.*

23 *(d) The board shall contract with dental assistant experts to*
24 *deal with issues of particular concern to the dental assistant*
25 *community. The cost of contracting these experts shall be paid*
26 *from licensure fees in the State Dental Assistant Fund.*

27 *(e) This section shall become inoperative on July 1, 2010, and,*
28 *as of January 1, 2011, is repealed, unless a later enacted statute,*
29 *that becomes operative on or before January 1, 2011, deletes or*
30 *extends the dates on which it becomes inoperative and is repealed.*

31 ~~SEC. 13.~~

32 *SEC. 14. Section 1742.1 of the Business and Professions Code*
33 *is amended to read:*

34 *1742.1. Protection of the public shall be the highest priority*
35 *for the Committee on Dental Assistants in exercising its licensing,*
36 *regulatory, and disciplinary functions. Whenever the protection*
37 *for the advisory committee. Whenever the protection of the public*
38 *is inconsistent with other interests sought to be promoted, the*
39 *protection of the public shall be paramount.*

1 ~~SEC. 14. Section 1743 of the Business and Professions Code~~
2 ~~is amended to read:~~

3 ~~1743. The committee shall consist of the following six~~
4 ~~members:~~

5 ~~(a) One member who is a public member of the board, one~~
6 ~~member who is a licensed dentist and who has been appointed by~~
7 ~~the board as an examiner pursuant to Section 1621, one member~~
8 ~~who is a licensed dentist who is neither a board member nor~~
9 ~~appointed by the board as an examiner pursuant to Section 1621~~
10 ~~and three members who are licensed as registered dental assistants.~~
11 ~~If available, an individual licensed as a registered dental assistant~~
12 ~~in extended functions shall be appointed in place of one of the~~
13 ~~members licensed as a registered dental assistant.~~

14 ~~(b) The public member of the board shall not have been licensed~~
15 ~~under this chapter within five years of the appointment date and~~
16 ~~shall not have any current financial interest in a dental-related~~
17 ~~business.~~

18 ~~SEC. 15. Section 1744 of the Business and Professions Code~~
19 ~~is amended to read:~~

20 ~~1744. (a) The members of the committee shall be appointed~~
21 ~~by the Governor. Appointments shall be for a term of four years.~~

22 ~~(b) No member shall serve as a member of the committee for~~
23 ~~more than two consecutive terms. Vacancies shall be filled by~~
24 ~~appointment for the unexpired terms. The committee shall annually~~
25 ~~elect one of its members as chairperson.~~

26 ~~(c) The Governor shall have the power to remove any member~~
27 ~~of the committee from office for neglect of any duty required by~~
28 ~~law or for incompetence or unprofessional or dishonorable conduct.~~

29 ~~SEC. 15. Section 1743 of the Business and Professions Code~~
30 ~~is repealed.~~

31 ~~1743. The committee shall consist of the following nine~~
32 ~~members:~~

33 ~~(a) One member who is a public member of the board, one~~
34 ~~member who is a licensed dentist and who has been appointed by~~
35 ~~the board as an examiner pursuant to Section 1621, one member~~
36 ~~who is a licensed dentist who is neither a board member nor~~
37 ~~appointed by the board as an examiner pursuant to Section 1621,~~
38 ~~three members who are licensed as registered dental hygienists,~~
39 ~~at least one of whom is actively employed in a private dental office,~~
40 ~~and three members who are licensed as registered dental assistants.~~

1 If available, an individual licensed as a registered dental hygienist
2 in extended functions shall be appointed in place of one of the
3 members licensed as a registered dental hygienist. If available, an
4 individual licensed as a registered dental assistant in extended
5 functions shall be appointed in place of one of the members
6 licensed as a registered dental assistant.

7 (b) The public member of the board shall not have been licensed
8 under Chapter 4 (commencing with Section 1600) of the Business
9 and Professions Code within five years of the appointment date
10 and shall not have any current financial interest in a dental-related
11 business.

12 SEC. 16. Section 1743 is added to the Business and Professions
13 Code, to read:

14 1743. (a) The board shall have the following duties and
15 authority related to education programs and curriculum:

16 (1) Shall evaluate all dental auxiliary programs applying for
17 approval in accordance with board rules governing the programs.

18 (2) May appoint board members to any evaluation committee.
19 Board members so appointed shall not make a final decision on
20 the issue of program or course approval.

21 (3) Shall review and document any alleged deficiencies that
22 might warrant board action to withdraw or revoke approval of a
23 program or course.

24 (b) The board shall have the following duties and authority
25 related to applications:

26 (1) Shall review and evaluate all applications for licensure in
27 the various dental auxiliary categories to ascertain whether a
28 candidate meets the appropriate licensing requirements specified
29 by statute and board regulations.

30 (2) Shall maintain application records, cashier application fees,
31 and perform any other ministerial tasks as are incidental to the
32 application process.

33 (3) May delegate any or all of the functions in this subdivision
34 to its staff.

35 (4) Shall issue dental assistant licenses in all cases, except where
36 there is a question as to a licensing requirement.

37 (c) The board shall develop or cause to be developed and
38 administer examinations. The board shall set pass points for all
39 dental auxiliary licensing examinations.

1 (d) The board shall be responsible for all aspects of the license
2 renewal process, which shall be accomplished in accordance with
3 this chapter and board regulations. The board may delegate any
4 or all of its functions under this subdivision to its staff.

5 SEC. 17. Section 1744 of the Business and Professions Code
6 is repealed.

7 ~~1744. (a) The members of the committee shall be appointed~~
8 ~~by the Governor. The terms of the member who is a board member~~
9 ~~and the member who has been appointed by the board as an~~
10 ~~examiner pursuant to Section 1621 shall expire December 31,~~
11 ~~1976. The terms of the member who is a licensed dentist and one~~
12 ~~member who is a dental assistant and one member who is licensed~~
13 ~~as a registered dental hygienist shall expire on December 31, 1977.~~
14 ~~The terms of all other members shall expire on December 31, 1978.~~
15 ~~Thereafter, appointments shall be for a term of four years.~~

16 ~~(b) No member shall serve as a member of the committee for~~
17 ~~more than two consecutive terms. Vacancies shall be filled by~~
18 ~~appointment for the unexpired terms. The committee shall annually~~
19 ~~elect one of its members as chairperson.~~

20 ~~(c) The Governor shall have the power to remove any member~~
21 ~~of the committee from office for neglect of any duty required by~~
22 ~~law or for incompetence or unprofessional or dishonorable conduct.~~

23 SEC. 18. Section 1745 of the Business and Professions Code
24 is amended to read:

25 1745. Each member of the *advisory* committee shall receive a
26 per diem and expenses as provided in Section 103.

27 SEC. 19. Section 1746 of the Business and Professions Code
28 is amended to read:

29 1746. The *advisory* committee may employ ~~such~~ employees
30 as it may deem necessary to carry out the functions and
31 responsibilities prescribed by this article.

32 SEC. 20. Section 1746.1 of the Business and Professions Code
33 is amended to read:

34 1746.1. The *advisory* committee shall evaluate all suggestions
35 or requests for regulatory changes related to auxiliaries. The
36 *advisory* committee shall have the authority to hold informational
37 hearings in order to report and make appropriate recommendations
38 to the board, after consultation with departmental legal counsel
39 and the board's chief executive officer. The *advisory* committee
40 shall include in any report regarding a proposed regulatory change,

1 at a minimum, the specific language or the proposed change or
2 changes and the reasons therefor and any facts supporting the need
3 for the change.

4 *SEC. 21. Section 1748 of the Business and Professions Code*
5 *is amended to read:*

6 1748. Recommendations by the *advisory* committee pursuant
7 to this article shall be approved, modified, or rejected by the board
8 within 90 days of submission of the recommendation to the board.
9 If the board rejects or significantly modifies the intent or scope of
10 the recommendation, the *advisory* committee may request that the
11 board provide its reasons in writing for rejecting or significantly
12 modifying the recommendation.

13 *SEC. 22. Section 1749 of the Business and Professions Code*
14 *is amended to read:*

15 1749. (a) The *advisory* committee shall meet at least four times
16 annually. The *advisory* committee shall conduct additional
17 meetings as are necessary in appropriate locations to conclude its
18 business. Special meetings may be held at the time and place the
19 *advisory* committee designates.

20 (b) Notice of each meeting of the *advisory* committee shall be
21 given at least two weeks in advance to those persons and
22 organizations who express an interest in receiving such notification.

23 (c) The *advisory* committee shall obtain permission of the
24 director to meet more than six times annually. The director shall
25 approve the meetings that are necessary for the *advisory* committee
26 to fulfill its legal responsibilities.

27 *SEC. 23. Section 1750.4 of the Business and Professions Code*
28 *is amended to read:*

29 1750.4. (a) A dentist who holds a valid, active, and current
30 license to practice dentistry under this chapter may train and
31 educate his or her employees, or employees of the dental office,
32 primary care clinic, or hospital where the dentist is practicing and
33 directly supervises the employees, without charge or cost to the
34 employees, in all of the allowable duties for the purpose of
35 licensure in one of the specialty licensure categories set forth in
36 Section 1750.2. A dentist may not begin the work experience
37 training and education of an employee until his or her application
38 for that particular employee is approved by the ~~Committee on~~
39 ~~Dental Auxiliaries board.~~

1 (1) In order to train or educate pursuant to this subdivision, the
2 dentist shall be subject to the following terms and conditions,
3 which are applicable prior to commencing training for each
4 employee:

5 (A) On a completed and signed application form approved by
6 the ~~committee~~ board, the dentist shall provide the specialty dental
7 assistant category in which the dentist will be training the employee
8 and the name of the employee. When the ~~committee~~ board provides
9 a requested application to an employer, the ~~committee~~ board shall
10 also provide a copy of the regulations governing the education and
11 training of the specialty assistants. Nothing in this section shall
12 preclude the ~~committee~~ board from making the application and
13 the regulations available electronically.

14 (B) The education and training the dentist provides shall be in
15 compliance with the regulations adopted by the board pursuant to
16 subdivision (b) of Section 1750.2. Employees trained pursuant to
17 this section shall be considered bona fide students, as described
18 in Section 1626.5, as added by Section 6 of Chapter 655 of the
19 Statutes of 1999. The dentist shall not allow the employee to begin
20 the clinical training on patients until the employee has completed
21 the didactic and preclinical training, that includes nonpatient
22 training on typodonts and other laboratory models and as prescribed
23 in regulations, and a minimum of 120 days as a dental assistant in
24 California or another state, which may include graduation from a
25 regional occupational center or regional occupation program
26 pursuant to paragraph (1) of subdivision (b).

27 (C) The dentist shall pay a fee to the ~~committee~~ board to cover
28 administrative costs not to exceed two hundred fifty dollars (\$250).

29 (D) Prior to beginning employee training, the dentist shall
30 complete a teaching methodology course approved by the board
31 that is six hours in length and covers educational objectives,
32 content, instructional methods, and evaluation procedures. The
33 dentist shall be exempt from this requirement if he or she holds
34 any one of the following degrees, credentials, or positions:

- 35 (i) A postgraduate degree in education.
36 (ii) A Ryan Designated Subjects Vocational Education Teaching
37 Credential.
38 (iii) A Standard Designated Subjects Teaching Credential.
39 (iv) A Community College Teaching Credential.

1 (v) Is a faculty member of a dental school approved by the
2 Commission on Dental Accreditation.

3 The dentist shall provide to the board proof of one of these
4 designations or shall submit a certificate of course completion in
5 teaching methodology.

6 (2) All duties performed by an employee pursuant to this section
7 shall be done in the dentist's presence. The dentist shall ensure
8 that any patient treated by a bona fide student is verbally informed
9 of the student's status.

10 (3) The work experience pathway for the employee shall not
11 exceed a term of 18 months, starting on the date that the board
12 receives the form, curriculum plan, and fee required pursuant to
13 subparagraphs (A), (B), and (C) of paragraph (1).

14 (4) Upon successful completion of the work experience pathway
15 period, the dentist shall certify in writing that the employee has
16 successfully completed the educational program covering all
17 procedures authorized for the specialty category for which the
18 employee is seeking licensure.

19 (5) With respect to this subdivision, the ~~committee~~ board:

20 (A) Shall approve the application form described in
21 subparagraph (A) of paragraph (1). The application form shall not
22 be required to comply with the provisions of Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title
24 2 of the Government Code.

25 (B) Shall have a maximum of 60 days from the date a completed
26 application is received in which to approve or deny an application
27 under this subdivision. Nothing in this section shall prohibit a
28 dentist from appealing the denial of an application to the executive
29 officer of the ~~committee~~ board or, in the absence of the executive
30 officer, to the assistant executive officer of the ~~committee~~ board.

31 (C) May inspect the dentist's facilities and practice at any time
32 to ensure compliance with regulations adopted by the board
33 pursuant to Section 1750.2.

34 (b) As a condition for licensure for specialty registration under
35 Section 1750.2, an applicant who completes a work experience
36 pathway pursuant to this section shall do the following:

37 (1) Certify to the board that he or she has a minimum of 1600
38 hours of prior work experience as a dental assistant. The 1600
39 hours of required work experience may be obtained by working
40 for multiple employers, if the applicant provides written evidence

1 of work experience from each dentist employer. The employee
2 may begin the work experience pathway before he or she completes
3 1600 hours of work experience, but may not apply for licensure
4 until that work experience is completed. The board shall give credit
5 toward the 1600 hours of work experience to persons who have
6 graduated from a dental assisting program in a postsecondary
7 institution, secondary institution, regional occupational center, or
8 regional occupation program that is not approved by the board.
9 The credit shall equal the hours spent in classroom training and
10 internship on an hour-for-hour basis not to exceed 400 hours.

11 (2) Certify to the board that he or she has completed the
12 educational program covering all procedures authorized for the
13 specialty category for which the applicant is seeking licensure.

14 (3) Obtain a passing score on a written examination developed,
15 for the specialty category for which the employee is seeking
16 licensure, by the Dental Assisting National Board (DANB) and
17 approved by the board.

18 (4) Obtain a passing score on a practical examination for the
19 specialty category for which the employee is seeking licensure
20 that is approved by the board.

21 *SEC. 24. Section 1751 of the Business and Professions Code,*
22 *as amended by Section 8 of Chapter 621 of the Statutes of 2005,*
23 *is amended to read:*

24 1751. (a) The board, upon recommendation of the *advisory*
25 committee, shall adopt regulations governing the procedures that
26 dental assistants, registered orthodontic assistants, registered
27 surgery assistants, registered restorative assistants, registered dental
28 assistants, registered restorative assistants in extended functions,
29 and registered dental assistants in extended functions are authorized
30 to perform consistent with and necessary to implement the
31 provisions of this article, and the settings within which each may
32 practice.

33 (b) The board shall conduct an initial review of the procedures,
34 supervision level, settings under which they may be performed,
35 and utilization of extended functions dental auxiliaries by January
36 1, 2012. The board shall submit the results of its review to the Joint
37 Committee on Boards, Commissions, and Consumer Protection.
38 After the initial review, a review shall be conducted at least once
39 every five to seven years thereafter and the board shall update

1 regulations as necessary to keep them current with the state of
2 dental practice.

3 (c) This section shall become operative on January 1, 2008.

4 SEC. 25. *Section 1753 of the Business and Professions Code*
5 *is amended to read:*

6 1753. (a) On and after January 1, 2008, the board shall license
7 as a registered dental assistant in extended functions a person who
8 submits written evidence, satisfactory to the board, of all of the
9 following:

10 (1) Current licensure as a registered dental assistant, or
11 completion of the requirements for licensure as a registered dental
12 assistant, as provided in Section 1752.5.

13 (2) Successful completion of either of the following:

14 (A) An extended functions postsecondary program approved
15 by the board in all of the procedures specified in Section 1753.1.

16 (B) An extended functions postsecondary program approved
17 by the board on or before to teach the duties that registered dental
18 assistants in extended functions were allowed to perform pursuant
19 to board regulations prior to January 1, 2008, and a course
20 approved by the board in the procedures specified in paragraphs
21 (8) through (13) of subdivision (b) of Section 1753.1.

22 (3) Successful completion of board-approved courses in
23 radiation safety and, within the last two years, courses in infection
24 control, California dental law, and basic life support.

25 (4) Satisfactory performance on a written examination and a
26 clinical or practical examination specified by the board. The board
27 shall designate whether the written examination shall be
28 administered by the *advisory* committee or by the board-approved
29 extended functions program.

30 (b) On and after January 1, 2008, the board shall license as a
31 registered restorative assistant in extended functions a person who
32 submits written evidence, satisfactory to the board, of all of the
33 following:

34 (1) Completion of 12 months of satisfactory work experience
35 as a dental assistant in California or another state. The board shall
36 give credit toward the 12 months of work experience to persons
37 who have graduated from a dental assisting program in a
38 postsecondary institution, secondary institution, regional
39 occupational center, or regional occupation program that are not
40 approved by the board. The credit shall equal the total weeks spent

1 in classroom training and internship on a week-for-week basis,
2 not to exceed 16 weeks.

3 (2) Successful completion of a board-approved course in
4 radiation safety, and, within the last two years, courses in infection
5 control, California dental law, and basic life support.

6 (3) Successful completion of a postsecondary program approved
7 by the board for restorative dental assisting specialty registration
8 specified in subdivision (c) of Section 1750.3.

9 (4) Successful completion of an extended functions
10 postsecondary program approved by the board in all of the
11 procedures specified in Section 1753.1.

12 (5) Satisfactory performance on a written examination and a
13 clinical or practical examination specified by the board. The board
14 shall designate whether the written examination shall be
15 administered by the *advisory* committee or by the board-approved
16 extended functions program.

17 (c) In approving extended functions postsecondary programs
18 required to be completed for licensure pursuant to this section, the
19 board shall require that the programs be taught by persons having
20 prior experience teaching the applicable procedures specified in
21 Section 1753.1, or procedures otherwise authorized by the board
22 pursuant to Section 1751, in a dental school approved either by
23 the Commission on Dental Accreditation or a comparable
24 organization approved by the board. Approved programs shall
25 include didactic, laboratory, and clinical modalities.

26 (d) The board may approve extended functions postsecondary
27 programs referred to in this section prior to January 1, 2008, and
28 the board shall recognize the completion of these approved
29 programs prior to January 1, 2008.

30 ~~SEC. 16.~~

31 *SEC. 26.* Section 1760 of the Business and Professions Code
32 is repealed.

33 ~~SEC. 17.~~

34 *SEC. 27.* Section 1760.5 of the Business and Professions Code
35 is repealed.

36 ~~SEC. 18.~~

37 *SEC. 28.* Section 1761 of the Business and Professions Code
38 is repealed.

~~SEC. 19.~~

~~SEC. 29.~~ Section 1762 of the Business and Professions Code is repealed.

~~SEC. 20.~~

~~SEC. 30.~~ Section 1763 of the Business and Professions Code is repealed.

~~SEC. 21.~~

~~SEC. 31.~~ Section 1764 of the Business and Professions Code is repealed.

~~SEC. 22.~~

~~SEC. 32.~~ Section 1765 of the Business and Professions Code is repealed.

~~SEC. 23.~~

~~SEC. 33.~~ Section 1766 of the Business and Professions Code is repealed.

~~SEC. 34.~~ *Section 1767 of the Business and Professions Code is amended to read:*

1767. The board, upon recommendation of the *advisory* committee, shall adopt regulations necessary to implement the provisions of this article.

~~SEC. 24.~~

~~SEC. 35.~~ Section 1768 of the Business and Professions Code is repealed.

~~SEC. 25.~~

~~SEC. 36.~~ Section 1769 of the Business and Professions Code is repealed.

~~SEC. 26.~~

~~SEC. 37.~~ Section 1770 of the Business and Professions Code, as amended by Section 23 of Chapter 621 of the Statutes of 2005, is amended to read:

1770. A licensed dentist may simultaneously utilize in his or her practice no more than three dental auxiliaries in extended functions or registered dental hygienists in extended functions licensed pursuant to Sections 1753 and 1918.

~~SEC. 27.~~

~~SEC. 38.~~ Section 1771 of the Business and Professions Code is amended to read:

1771. Any person, other than a person who has been issued a license by the board, who holds himself or herself out as a registered dental assistant or registered dental assistant in extended

functions, or uses any other term indicating or implying he or she is licensed by the board as such, is guilty of a misdemeanor.

~~SEC. 28.~~

~~SEC. 39.~~ Section 1772 of the Business and Professions Code is repealed.

~~SEC. 29.~~

~~SEC. 40.~~ Section 1774 of the Business and Professions Code is repealed.

~~SEC. 30.~~

~~SEC. 41.~~ Section 1775 of the Business and Professions Code is repealed.

~~SEC. 31.~~

~~SEC. 42.~~ Article 9 (commencing with Section 1900) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 9. Dental Hygienists

1900. It is the intent of the Legislature by enactment of this article to permit the full utilization of dental hygienists in order to meet the dental care needs of all of the state's citizens.

1901. There is hereby created ~~in the Department of Consumer Affairs a California Dental Hygiene Board~~ *within the jurisdiction of the Dental Board of California a Committee on Dental Hygiene* in which the administration of this article is vested.

1902. For purposes of this article, the following definitions apply:

(a) "Committee" means the Committee on Dental Hygiene.

~~(a)~~

(b) "Dental board" means the Dental Board of California.

~~(b)~~

(c) "Direct supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is required to be physically present in the treatment facility during the performance of those procedures.

~~(c)~~

(d) "General supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is not required to be physically present in the treatment facility during the performance of those procedures.

1 ~~(d)~~

2 (e) “Oral prophylaxis” means preventive and therapeutic dental
3 procedures that include bacterial debridements with complete
4 removal, supra and subgingivally, of calculus, soft deposits, plaque,
5 and stains, and the smoothing of tooth surfaces. The objective of
6 this treatment is to create an environment in which the patient can
7 maintain healthy hard and soft tissues.

8 1903. (a) (1) ~~The California Dental Hygiene Board Committee~~
9 ~~on Dental Hygiene~~ shall consist of nine members appointed by the
10 Governor. Four shall be public members, one member shall be a
11 public health dentist who holds a current license in California, and
12 four members shall be registered dental hygienists who hold current
13 licenses in California. Of the registered dental hygienists members,
14 one shall be licensed either in alternative practice or in extended
15 functions, one shall be a dental hygiene educator, and two shall
16 be registered dental hygienists. No public member shall have been
17 licensed under this chapter within five years of the date of his or
18 her appointment or have any current financial interest in a
19 dental-related business.

20 (2) For purposes of this subdivision, a public health dentist is
21 a dentist whose primary employer or place of employment is in
22 any of the following:

23 (A) A primary care clinic licensed under subdivision (a) of
24 Section 1204 of the Health and Safety Code.

25 (B) A primary care clinic exempt from licensure pursuant to
26 subdivision (c) of Section 1206 of the Health and Safety Code.

27 (C) A clinic owned or operated by a public hospital or health
28 system.

29 (D) A clinic owned and operated by a hospital that maintains
30 the primary contract with a county government to fill the county’s
31 role under Section 17000 of the Welfare and Institutions Code.

32 (b) Except for the initial term, members of the ~~California Dental~~
33 ~~Hygiene Board~~ *committee* shall be appointed for a term of four
34 years. Of the initial appointments, the terms shall expire as follows:

35 (1) The term of the licensed dentist member, one of the public
36 members, and one of the registered dental hygienists shall expire
37 on December 31, 2008.

38 (2) The term of a second public member, the other registered
39 dental hygienist, and the registered dental hygienist in alternative

1 practice or in extended functions shall expire on December 31,
2 2009.

3 (3) The term of the remaining members shall expire on
4 December 31, 2010.

5 (c) The ~~California Dental Hygiene Board~~ *committee* shall elect
6 a president, a vice president, and a secretary from its membership.

7 (d) No person shall serve as a member of the ~~California Dental~~
8 ~~Hygiene Board~~ *committee* for more than two consecutive terms.

9 (e) A vacancy in the ~~California Dental Hygiene Board~~ *committee*
10 shall be filled by appointment to the unexpired term.

11 (f) Each member of the ~~California Dental Hygiene Board~~
12 *committee* shall receive a per diem and expenses as provided in
13 Section 103.

14 (g) The Governor shall have the power to remove any member
15 from the ~~California Dental Hygiene Board~~ *committee* for neglect
16 of a duty required by law, for incompetence, or for unprofessional
17 or dishonorable conduct.

18 (h) The ~~California Dental Hygiene Board~~ *committee*, with the
19 approval of the director, may appoint a person exempt from civil
20 service who shall be designated as an executive officer and who
21 shall exercise the powers and perform the duties delegated by the
22 ~~California Dental Hygiene Board~~ *committee* and vested in him or
23 her by this article.

24 1904. The ~~California Dental Hygiene Board~~ *committee* shall
25 meet at least two times each calendar year and shall conduct
26 additional meetings in appropriate locations that are necessary to
27 transact its business.

28 1905. (a) The ~~California Dental Hygiene Board~~ *committee*
29 shall perform the following functions:

30 (1) Evaluate all registered dental hygienist, registered dental
31 hygienist in alternative practice, and registered dental hygienist in
32 extended functions educational programs that apply for approval
33 and ~~granting or denying~~ *grant or deny* approval of those
34 applications in accordance with regulations adopted by the
35 ~~California Dental Hygiene Board~~ *committee*. Any such educational
36 programs approved by the dental board on or before December
37 31, 2007, shall be deemed approved by the ~~California Dental~~
38 ~~Hygiene Board~~ *committee*.

39 (2) Withdraw or revoke its prior approval of a registered dental
40 hygienist, registered dental hygienist in alternative practice, or

1 registered dental hygienist in extended functions educational
2 program in accordance with regulations adopted by the ~~California~~
3 ~~Dental Hygiene Board~~ *committee*.

4 (3) Review and evaluate all registered dental hygienist,
5 registered dental hygienist in alternative practice, and registered
6 dental hygienist in extended functions applications for licensure
7 to ascertain whether the applicant meets the appropriate licensing
8 requirements specified by statute and regulations, maintain
9 application records, cashier application fees, issue and renew
10 licenses, and perform any other tasks that are incidental to the
11 application and licensure processes.

12 (4) Determine the appropriate type of license examination
13 consistent with the provisions of this article, and develop or cause
14 to be developed and administer examinations in accordance with
15 regulations adopted by the ~~California Dental Hygiene Board~~
16 *committee*.

17 (5) Determine the amount of fees assessed under this article.

18 (6) Determine and enforce the continuing education
19 requirements specified in this article.

20 (7) Deny, suspend, or revoke a license under this article, or
21 otherwise enforce the provisions of this article. Any such
22 proceedings shall be conducted in accordance with Chapter 5
23 (commencing with Section 11500) of Part 1 of Division 3 of Title
24 2 of the Government Code, and the ~~California Dental Hygiene~~
25 ~~Board~~ *committee* shall have all of the powers granted therein.

26 (8) Adopt rules and regulations to implement the provisions of
27 this article, including the required amount of supervision by a
28 licensed dentist of a registered dental hygienist, registered dental
29 hygienist in alternative practice, and registered dental hygienist in
30 extended functions.

31 (9) *Make recommendations to the board regarding scope of*
32 *practice issues.*

33 (b) The ~~California Dental Hygiene Board~~ *committee* may employ
34 employees and examiners that it deems necessary to carry out its
35 functions and responsibilities under this article.

36 1905.1. Until January 1, 2009, the ~~California Dental Hygiene~~
37 ~~Board~~ *committee* may contract with the dental board, ~~or with the~~
38 ~~Committee on Dental Assistants~~, to carry out any of the provisions
39 of this article. On and after January 1, 2009, the ~~California Dental~~

1 ~~Hygiene Board~~ *committee* may contract with the dental board to
2 perform investigations of applicants and licensees under this article.

3 1906. (a) ~~The California Dental Hygiene Board~~ *committee*
4 shall adopt regulations to implement the requirements of this
5 article.

6 (b) All regulations adopted by the ~~California Dental Hygiene~~
7 ~~Board~~ *committee* shall comply with the provisions of Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code.

10 (c) No regulation adopted by the ~~California Dental Hygiene~~
11 ~~Board~~ *committee* shall impose a requirement or a prohibition
12 directly upon a licensed dentist or on the administration of a dental
13 office, unless specifically authorized by this article.

14 (d) Unless contrary to the provisions of this article, regulations
15 adopted by the dental board shall continue to apply to registered
16 dental hygienists, registered dental hygienists in alternative
17 practice, and registered dental hygienists in extended functions
18 until other regulations are adopted by the ~~California Dental~~
19 ~~Hygiene Board~~ *committee*. All references in those regulations to
20 “board” shall mean the ~~California Dental Hygiene Board~~
21 *committee*, which shall solely enforce the regulations with respect
22 to registered dental hygienists, registered dental hygienists in
23 alternative practice, and registered dental hygienists in extended
24 functions.

25 1907. The following functions may be performed by a
26 registered dental hygienist in addition to those authorized pursuant
27 to Sections 1908 to 1914, inclusive:

28 (a) All functions that may be performed by a registered dental
29 assistant.

30 (b) All persons holding a license as a registered dental hygienist
31 as of January 1, 2008, are authorized to perform the duties of a
32 registered dental assistant specified in this chapter. All persons
33 issued a license as a registered dental hygienist on or after January
34 1, 2008, shall qualify for and receive a registered dental assistant
35 license prior to performance of the duties of a registered dental
36 assistant specified in this chapter.

37 1908. (a) The practice of dental hygiene includes dental
38 hygiene assessment and development, planning, and
39 implementation of a dental hygiene care plan. It also includes oral
40 health education, counseling, and health screenings.

(b) The practice of dental hygiene does not include any of the following procedures:

- (1) Diagnosis and comprehensive treatment planning.
- (2) Placing, condensing, carving, or removal of permanent restorations.
- (3) Surgery or cutting on hard and soft tissue including, but not limited to, the removal of teeth and the cutting and suturing of soft tissue.
- (4) Prescribing medication.
- (5) Administering local or general anesthesia or oral or parenteral conscious sedation, except for the administration of nitrous oxide and oxygen, whether administered alone or in combination with each other, or local anesthesia pursuant to Section 1909.

1909. A registered dental hygienist is authorized to perform the following procedures under direct supervision, after submitting to the ~~California Dental Hygiene Board~~ *committee* evidence of satisfactory completion of a ~~California Dental Hygiene Board-approved~~ *committee-approved* course of instruction in the procedures:

- (a) Soft-tissue curettage.
- (b) Administration of local anesthesia.
- (c) Administration of nitrous oxide and oxygen, whether administered alone or in combination with each other.

1910. A registered dental hygienist is authorized to perform the following procedures under general supervision:

- (a) Preventive and therapeutic interventions, including oral prophylaxis, scaling, and root planing.
- (b) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease.
- (c) The taking of impressions for bleaching trays and application and activation of agents with nonlaser, light-curing devices.
- (d) The taking of impressions for bleaching trays and placements of in-office, tooth-whitening devices.

1911. (a) A registered dental hygienist may provide, without supervision, educational services, oral health training programs, and oral health screenings.

(b) A registered dental hygienist shall refer any screened patients with possible oral abnormalities to a dentist for a comprehensive examination, diagnosis, and treatment plan.

(c) In any public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity, a registered dental hygienist may provide, without supervision, dental hygiene preventive services in addition to oral screenings, including, but not limited to, the application of fluorides and pit and fissure sealants.

1912. Any procedure performed or service provided by a registered dental hygienist that does not specifically require direct supervision shall require general supervision, so long as it does not give rise to a situation in the dentist's office requiring immediate services for alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable dental conditions that, if not immediately diagnosed and treated, would lead to serious disability or death.

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of his or her practice in any setting, so long as the procedure is performed or the service is provided under the appropriate level of supervision required by this article.

1914. A registered dental hygienist may use any material or device approved for use in the performance of a service or procedure within his or her scope of practice under the appropriate level of supervision, if he or she has the appropriate education and training required to use the material or device.

1915. No person other than a registered dental hygienist or a licensed dentist may engage in the practice of dental hygiene or perform dental hygiene procedures on patients, including, but not limited to, supragingival and subgingival scaling, dental hygiene assessment, and treatment planning, except for the following persons:

(a) A student enrolled in a dental or a dental hygiene school who is performing procedures as part of the regular curriculum of that program under the supervision of the faculty of that program.

(b) A dental assistant acting in accordance with the rules of the dental board in performing the following procedures:

(1) Applying nonaerosol and noncaustic topical agents.

(2) Applying topical fluoride.

(3) Taking impression for bleaching trays.

(c) A registered dental assistant acting in accordance with the rules of the dental board in performing the following procedures:

1 (1) Polishing the coronal surfaces of teeth.

2 (2) Applying bleaching agents.

3 (3) Activating bleaching agents with a nonlaser light-curing
4 device.

5 (4) Applying pit and fissure sealant.

6 (d) A registered dental assistant in extended functions acting in
7 accordance with the rules of the dental board in applying pit and
8 fissure sealants.

9 (e) A registered dental hygienist licensed in another jurisdiction
10 performing a clinical demonstration for educational purposes.

11 1916. (a) An applicant for licensure under this article shall
12 furnish fingerprint images for submission to state and federal
13 criminal justice agencies, including, but not limited to, the Federal
14 Bureau of Investigation, in order to establish the identity of the
15 applicant and for the other purposes described in this section.

16 (b) ~~The California Dental Hygiene Board~~ *committee* shall submit
17 the fingerprint images to the Department of Justice for the purposes
18 of obtaining criminal offender record information regarding state
19 and federal level convictions and arrests, including arrests for
20 which the Department of Justice establishes that the person is free
21 on bail or on his or her own recognizance pending trial or appeal.

22 (c) When received, the Department of Justice shall forward to
23 the Federal Bureau of Investigation requests for federal summary
24 criminal history information received pursuant to this section. The
25 Department of Justice shall review the information returned from
26 the Federal Bureau of Investigation and compile and disseminate
27 response to the ~~California Dental Hygiene Board~~ *committee*.

28 (d) The Department of Justice shall provide a response to the
29 ~~California Dental Hygiene Board~~ *committee* pursuant to subdivision
30 (p) of Section 11105 of the Penal Code.

31 (e) ~~The California Dental Hygiene Board~~ *committee* shall request
32 from the Department of Justice subsequent arrest notification
33 service, as provided pursuant to Section 11105.2 of the Penal Code.

34 (f) The information obtained as a result of the fingerprinting
35 shall be used in accordance with Section 11105 of the Penal Code,
36 and to determine whether the applicant is subject to denial of
37 licensure pursuant to Division 1.5 (commencing with Section 475)
38 or Section 1628.5.

39 (g) The Department of Justice shall charge a fee sufficient to
40 cover the cost of processing the request described in this section.

1 1917. The ~~California Dental Hygiene Board~~ *committee* shall
2 license as a registered dental hygienist a person who satisfies all
3 of the following requirements:

4 (a) Completion of an educational program for registered dental
5 hygienists, approved by the ~~California Dental Hygiene Board~~
6 *committee*, accredited by the Commission on Dental Accreditation,
7 and conducted by a degree-granting, postsecondary institution.

8 (b) Satisfactory performance on a clinical examination and an
9 examination in California law and ethics as prescribed by the
10 ~~California Dental Hygiene Board~~ *committee*.

11 (c) Satisfactory completion of a national written dental hygiene
12 examination approved by the ~~California Dental Hygiene Board~~
13 *committee*.

14 1917.1. (a) The ~~California Dental Hygiene Board~~ *committee*
15 may grant a license as a registered dental hygienist to an applicant
16 who has not taken a clinical examination before the ~~California~~
17 ~~Dental Hygiene Board~~ *committee*, if the applicant submits all of
18 the following to the ~~California Dental Hygiene Board~~ *committee*.

19 (1) A completed application form and all fees required by the
20 ~~California Dental Hygiene Board~~ *committee*.

21 (2) Proof of a current license as a registered dental hygienist
22 issued by another state that is not revoked, suspended, or otherwise
23 restricted.

24 (3) Proof that the applicant has been in clinical practice as a
25 registered dental hygienist or has been a full-time faculty member
26 in an accredited dental hygiene education program for a minimum
27 of 750 hours per year for at least five years preceding the date of
28 his or her application under this section. The clinical practice
29 requirement shall be deemed met if the applicant provides proof
30 of at least three years of clinical practice and commits to
31 completing the remaining two years of clinical practice by filing
32 with the ~~California Dental Hygiene Board~~ *committee* a copy of a
33 pending contract to practice dental hygiene in any of the following
34 facilities:

35 (A) A primary care clinic licensed under subdivision (a) of
36 Section 1204 of the Health and Safety Code.

37 (B) A primary care clinic exempt from licensure pursuant to
38 subdivision (c) of Section 1206 of the Health and Safety Code.

39 (C) A clinic owned or operated by a public hospital or health
40 system.

1 (D) A clinic owned and operated by a hospital that maintains
2 the primary contract with a county government to fill the county's
3 role under Section 17000 of the Welfare and Institutions Code.

4 (4) Satisfactory performance on a California law and ethics
5 examination and any examination that may be required by the
6 ~~California Dental Hygiene Board~~ *committee*.

7 (5) Proof that the applicant has not been subject to disciplinary
8 action by any state in which he or she is or has been previously
9 licensed as a registered dental hygienist or dentist. If the applicant
10 has been subject to disciplinary action, the ~~California Dental~~
11 ~~Hygiene Board~~ *committee* shall review that action to determine if
12 it warrants refusal to issue a license to the applicant.

13 (6) Proof of graduation from a school of dental hygiene
14 accredited by the Commission on Dental Accreditation.

15 (7) Proof of satisfactory completion of the Dental Hygiene
16 National Board Examination and of a state or regional clinical
17 licensure examination.

18 (8) Proof that the applicant has not failed the examination for
19 licensure to practice dental hygiene under this chapter more than
20 once or once within five years prior to the date of his or her
21 application for a license under this section.

22 (9) Documentation of completion of a minimum of 25 units of
23 continuing education earned in the two years preceding application,
24 including completion of any continuing education requirements
25 imposed by the ~~California Dental Hygiene Board~~ *committee* on
26 registered dental hygienists licensed in this state at the time of
27 application.

28 (10) Any other information as specified by the ~~California Dental~~
29 ~~Hygiene Board~~ *committee* to the extent that it is required of
30 applicants for licensure by examination under this article.

31 (b) The ~~California Dental Hygiene Board~~ *committee* may
32 periodically request verification of compliance with the
33 requirements of paragraph (3) of subdivision (a), and may revoke
34 the license upon a finding that the employment requirement or any
35 other requirement of paragraph (3) of subdivision (a) has not been
36 met.

37 (c) The ~~California Dental Hygiene Board~~ *committee* shall
38 provide in the application packet to each out-of-state dental
39 hygienist pursuant to this section the following information:

40 (1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(d) ~~The California Dental Hygiene Board~~ *committee* shall review the impact of this section on the availability of actively practicing registered dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2012. The report shall include a separate section providing data specific to registered dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision (a). The report shall include, but shall not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of registered dental hygienists from other states licensed pursuant to this section, the number of licenses not granted, and the reason why the license was not granted.

(3) The practice location of registered dental hygienists licensed pursuant to this section. In identifying a registered dental hygienist's location of practice, ~~the California Dental Hygiene Board~~ *committee* shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(4) The number of registered dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing registered dental hygienists or no registered dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (a).

(5) The length of time registered dental hygienists licensed pursuant to this section practiced in the reported location.

1917.2. (a) ~~The California Dental Hygiene Board~~ *committee* shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:

(1) Satisfactorily performs on a clinical examination and an examination in California law and ethics as prescribed by the ~~California Dental Hygiene Board~~ *committee*.

(2) Satisfactorily completes a national written dental hygiene examination approved by the ~~California Dental Hygiene Board~~ *committee*.

1 (b) A dental student who is granted a registered dental hygienist
2 license pursuant to this section may only practice in a dental
3 practice that serves patients who are insured under Denti-Cal, the
4 Healthy Families Program, or other government programs, or a
5 dental practice that has a sliding scale fee system based on income.

6 (c) Upon receipt of a license to practice dentistry pursuant to
7 Section 1634, a registered dental hygienist license issued pursuant
8 to this subdivision is automatically revoked.

9 (d) The dental hygienist license is granted for two years upon
10 passage of the dental hygiene examination, without the ability for
11 renewal.

12 (e) Notwithstanding subdivision (d), if a dental student fails to
13 remain in good standing at an accredited California dental school,
14 or fails to graduate from the dental program, a registered dental
15 hygienist license issued pursuant to this section shall be revoked.
16 The student shall be responsible for submitting appropriate
17 verifying documentation to the ~~California Dental Hygiene Board~~
18 *committee*.

19 (f) The provisions of this section shall be reviewed pursuant to
20 Division 1.2 (commencing with Section 473). However, the review
21 shall be limited to the fiscal feasibility and impact on the ~~California~~
22 ~~Dental Hygiene Board~~ *committee*.

23 (g) This section shall become inoperative as of January 1, 2010.
24 1918. The ~~California Dental Hygiene Board~~ *committee* shall
25 license as a registered dental hygienist in extended functions a
26 person who meets all of the following requirements:

27 (a) Holds a current license as a registered dental hygienist in
28 California.

29 (b) Completes clinical training approved by the ~~California Dental~~
30 ~~Hygiene Board~~ *committee* in a facility affiliated with a dental
31 school under the direct supervision of the dental school faculty.

32 (c) Performs satisfactorily on an examination required by the
33 ~~California Dental Hygiene Board~~ *committee*.

34 1919. The ~~California Dental Hygiene Board~~ *committee* shall
35 adopt regulations necessary to define the functions that may be
36 performed by registered dental hygienists in extended functions,
37 whether the functions require direct or general supervision, and
38 the settings within which registered dental hygienists in extended
39 functions may work.

1 1920. (a) A person who holds a current and active license as
2 a registered dental hygienist in extended functions or a registered
3 dental hygienist in alternative practice on January 1, 2008, shall
4 automatically be issued a license as a registered dental hygienist,
5 unless the person holds a current and active registered dental
6 hygienist license.

7 (b) A registered dental hygienist license issued pursuant to this
8 section shall expire on the same date as the person's registered
9 dental hygienist, registered dental hygienist in alternative practice,
10 or registered dental hygienist in extended functions license, and
11 shall be subject to the same renewal and other requirements
12 imposed by law or regulation on a license.

13 1922. ~~The California Dental Hygiene Board~~ *committee* shall
14 license as a registered dental hygienist in alternative practice a
15 person who demonstrates satisfactory performance on an
16 examination in California law and ethics required by the ~~California~~
17 ~~Dental Hygiene Board~~ *committee* and who meets either of the
18 following requirements:

19 (a) Holds a current California license as a registered dental
20 hygienist and meets the following requirements:

21 (1) Has been engaged in the practice of dental hygiene, as
22 defined in Section 1908, as a registered dental hygienist in any
23 setting, including, but not limited to, educational settings and public
24 health settings, for a minimum of 2,000 hours during the
25 immediately preceding 36 months.

26 (2) Has successfully completed a bachelor's degree or its
27 equivalent from a college or institution of higher education that is
28 accredited by a national agency recognized by the Council on
29 Postsecondary Accreditation or the United States Department of
30 Education, and a minimum of 150 hours of additional educational
31 requirements, as prescribed by the ~~California Dental Hygiene~~
32 ~~Board~~ *committee* by regulation, that are consistent with good dental
33 and dental hygiene practice, including, but not necessarily limited
34 to, dental hygiene technique and theory including gerontology and
35 medical emergencies, and business administration and practice
36 management.

37 (b) Has received a letter of acceptance into the employment
38 utilization phase of the Health Manpower Pilot Project No. 155
39 established by the Office of Statewide Health Planning and
40 Development pursuant to Article 1 (commencing with Section

1 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
2 Safety Code.

3 1924. A person licensed as a registered dental hygienist who
4 has completed the prescribed classes through the Health Manpower
5 Pilot Project (HMPP) and who has established an independent
6 practice under the HMPP by June 30, 1997, shall be deemed to
7 have satisfied the licensing requirements under Section 1922, and
8 shall be authorized to continue to operate the practice he or she
9 presently operates, so long as he or she follows the requirements
10 for prescription and functions as specified in Sections 1922, 1925,
11 1926, 1927, 1928, 1930, and 1931, and subdivision (b) of Section
12 1929, and as long as he or she continues to personally practice and
13 operate the practice or until he or she sells the practice to a licensed
14 dentist.

15 1925. A registered dental hygienist in alternative practice may
16 practice, pursuant to Sections 1922, 1923, and 1924, as an
17 employee of a dentist or of another registered dental hygienist in
18 alternative practice, as an independent contractor, as a sole
19 proprietor of an alternative dental hygiene practice, as an employee
20 of a primary care clinic or specialty clinic that is licensed pursuant
21 to Section 1204 of the Health and Safety Code, as an employee of
22 a primary care clinic exempt from licensure pursuant to subdivision
23 (c) of Section 1206 of the Health and Safety Code, as an employee
24 of a clinic owned or operated by a public hospital or health system,
25 or as an employee of a clinic owned and operated by a hospital
26 that maintains the primary contract with a county government to
27 fill the county's role under Section 17000 of the Welfare and
28 Institutions Code.

29 1926. A registered dental hygienist in alternative practice may
30 perform the duties authorized pursuant to Sections 1922, 1923,
31 and 1924 in the following settings:

- 32 (a) Residences of the homebound.
33 (b) Schools.
34 (c) Residential facilities and other institutions.
35 (d) Dental health professional shortage areas, as certified by the
36 Office of Statewide Health Planning and Development in
37 accordance with existing office guidelines.

38 1927. A registered dental hygienist in alternative practice shall
39 not do any of the following:

1 (a) Infer, purport, advertise, or imply that he or she is in any
2 way able to provide dental services or make any type of dental
3 health diagnosis beyond evaluating a patient's dental hygiene
4 status, providing a dental hygiene treatment plan, and providing
5 the associated dental hygiene services.

6 (b) Hire a registered dental hygienist to provide direct patient
7 services other than a registered dental hygienist in alternative
8 practice.

9 1928. A registered dental hygienist in alternative practice may
10 submit or allow to be submitted any insurance or third-party claims
11 for patient services performed as authorized pursuant to this article.

12 1929. (a) A registered dental hygienist in alternative practice
13 may hire other registered dental hygienists in alternative practice
14 to assist in his or her practice.

15 (b) A registered dental hygienist in alternative practice may hire
16 and supervise dental assistants performing intraoral retraction and
17 suctioning.

18 1930. A registered dental hygienist in alternative practice shall
19 provide to the ~~California Dental Hygiene Board~~ *committee*
20 documentation of an existing relationship with at least one dentist
21 for referral, consultation, and emergency services.

22 1931. (a) A registered dental hygienist in alternative practice
23 may perform dental hygiene services for a patient who presents to
24 the registered hygienist in alternative practice a written prescription
25 for dental hygiene services issued by a dentist or physician and
26 surgeon licensed to practice in this state who has performed a
27 physical examination and a diagnosis of the patient prior to the
28 prescription being provided. The prescription shall be valid for a
29 time period based on the dentist's or physician and surgeon's
30 professional judgment, but not to exceed 15 months from the date
31 that it was issued.

32 (b) The ~~California Dental Hygiene Board~~ *committee* shall seek
33 to obtain an injunction against any registered dental hygienist in
34 alternative practice who provides services pursuant to this section,
35 if the ~~California Dental Hygiene Board~~ *committee* has reasonable
36 cause to believe that the services are being provided to a patient
37 who has not received a prescription for those services from a dentist
38 or physician and surgeon licensed to practice in this state.

39 1932. (a) The ~~California Dental Hygiene Board~~ *committee*
40 may, in its sole discretion, issue a probationary license to an

1 applicant who has satisfied all requirements for licensure as a
2 registered dental hygienist, a registered dental hygienist in
3 alternative practice, or a registered dental hygienist in extended
4 functions. The ~~California Dental Hygiene Board~~ *committee* may
5 require, as a term or condition of issuing the probationary license,
6 that the applicant comply with certain additional requirements,
7 including, but not limited to, the following:

8 (1) Successfully completing a professional competency
9 examination.

10 (2) Submitting to a medical or psychological evaluation.

11 (3) Submitting to continuing medical or psychological treatment.

12 (4) Abstaining from the use of alcohol or drugs.

13 (5) Submitting to random fluid testing for alcohol or controlled
14 substance abuse.

15 (6) Submitting to continuing participation in a ~~California Dental~~
16 ~~Hygiene Board-approved~~ *committee-approved* rehabilitation
17 program.

18 (7) Restricting the type or circumstances of practice.

19 (8) Submitting to continuing education and coursework.

20 (9) Complying with requirements regarding notifying the
21 ~~California Dental Hygiene Board~~ *committee* of any change of
22 employer or employment.

23 (10) Complying with probation monitoring.

24 (11) Complying with all laws and regulations governing the
25 practice of dentistry.

26 (12) Limiting his or her practice to a supervised, structured
27 environment in which his or her activities are supervised by a
28 specified person.

29 (b) The term of a probationary license is three years. During
30 the term of the license, the licensee may petition the ~~California~~
31 ~~Dental Hygiene Board~~ *committee* for a modification of a term or
32 condition of the license or for the issuance of a license that is not
33 probationary.

34 (c) The proceedings under this section shall be conducted in
35 accordance with Chapter 5 (commencing with Section 11500) of
36 Part 1 of Division 3 of Title 2 of the Government Code, and the
37 ~~California Dental Hygiene Board~~ *committee* shall have all the
38 powers granted in that chapter.

39 1933. A licensee shall be issued a substitute license upon
40 request and payment of the required fee. The request shall be

1 accompanied by an affidavit or declaration containing satisfactory
2 evidence of the loss or destruction of the license certificate.

3 1934. A licensee who changes his or her address of record shall
4 notify the ~~California Dental Hygiene Board~~ *committee* within 30
5 days of the change. A licensee who changes his or her legal name
6 shall provide the ~~California Dental Hygiene Board~~ *committee* with
7 documentation of the change within 10 days.

8 1935. If not renewed, a license issued under the provisions of
9 this article, unless specifically excepted, expires at 12 midnight
10 on the last day of the month of the legal birth date of the licensee
11 during the second year of a two-year term. To renew an unexpired
12 license, the licensee shall, before the time at which the license
13 would otherwise expire, apply for renewal on a form prescribed
14 by the ~~California Dental Hygiene Board~~ *committee* and pay the
15 renewal fee prescribed by this article.

16 1936. Except as otherwise provided in this article, an expired
17 license may be renewed at any time within five years after its
18 expiration by filing an application for renewal on a form prescribed
19 by the ~~California Dental Hygiene Board~~ *committee* and payment
20 of all accrued renewal and delinquency fees. If the license is
21 renewed after its expiration, the licensee, as a condition precedent
22 to renewal, shall also pay the delinquency fee prescribed by this
23 article. Renewal under this section shall be effective on the date
24 on which the application is filed, on the date on which the renewal
25 fee is paid, or on the date on which the delinquency fee, if any, is
26 paid, whichever last occurs. If so renewed, the license shall
27 continue in effect until the expiration date provided in Section
28 1935 that next occurs after the effective date of the renewal.

29 1936.1. (a) If the ~~California Dental Hygiene Board~~ *committee*
30 determines that the public health and safety would be served by
31 requiring all holders of licenses under this article to continue their
32 education after receiving a license, the ~~California Dental Hygiene~~
33 ~~Board~~ *committee* may require, as a condition to license renewal,
34 that licensees submit assurances satisfactory to the ~~California~~
35 ~~Dental Hygiene Board~~ *committee* that they will, during the
36 succeeding two-year period, inform themselves of the
37 developments in the practice of dental hygiene occurring since the
38 original issuance of their licenses by pursuing one or more courses
39 of study satisfactory to the ~~California Dental Hygiene Board~~
40 *committee*, or by other means deemed equivalent by the ~~California~~

1 ~~Dental Hygiene Board. The California Dental Hygiene Board~~
2 ~~committee. The committee~~ shall adopt regulations providing for
3 the suspension of the licenses at the end of the two-year period
4 until compliance with the assurances provided for in this section
5 is accomplished.

6 (b) ~~The California Dental Hygiene Board committee~~ may also,
7 as a condition of license renewal, require licensees to successfully
8 complete a portion of the required continuing education hours in
9 specific areas adopted in regulations by the ~~California Dental~~
10 ~~Hygiene Board. The California Dental Hygiene Board may~~
11 ~~committee. The committee may~~ prescribe this mandatory
12 coursework within the general areas of patient care, health and
13 safety, and law and ethics. The mandatory coursework prescribed
14 by the ~~California Dental Hygiene Board committee~~ shall not exceed
15 seven and one-half hours per renewal period. Any mandatory
16 coursework required by the ~~California Dental Hygiene Board~~
17 ~~committee~~ shall be credited toward the continuing education
18 requirements established by the ~~California Dental Hygiene Board~~
19 ~~committee~~ pursuant to subdivision (a).

20 (c) The providers of courses referred to in this section shall be
21 approved by the ~~California Dental Hygiene Board committee~~.

22 1937. A suspended license is subject to expiration and shall
23 be renewed as provided in this article. The renewal does not entitle
24 the licensee, while the license remains suspended and until it is
25 reinstated, to engage in the licensed activity or in any other activity
26 or conduct in violation of the order or judgment by which the
27 license was suspended.

28 1938. A revoked license is subject to expiration as provided
29 in this article. A revoked license may not be renewed. If it is
30 reinstated after its expiration, the licensee, as a condition precedent
31 to its reinstatement, shall pay a reinstatement fee in an amount
32 equal to the renewal fee in effect on the last regular renewal date
33 before the date on which it is reinstated and the delinquency fee,
34 if any, accrued at the time of its revocation.

35 1939. A license that is not renewed within five years after its
36 expiration may not be renewed, restored, reinstated, or reissued.
37 The holder of the license may apply for and obtain a new license
38 upon meeting all of the requirements of a new applicant prescribed
39 in this article.

1 1940. (a) A licensee who desires an inactive license shall
2 submit an application to the ~~California Dental Hygiene Board~~
3 ~~committee~~ on a form provided by the ~~California Dental Hygiene~~
4 ~~Board committee~~.

5 (b) In order to restore an inactive license to active status, the
6 licensee shall submit an application to the ~~California Dental~~
7 ~~Hygiene Board committee~~ on a form provided by the ~~California~~
8 ~~Dental Hygiene Board committee~~, accompanied by evidence that
9 the licensee has completed the required number of hours of
10 approved continuing education in compliance with this article
11 within the last two years preceding the date of the application.

12 (c) The holder of an inactive license shall continue to pay to the
13 ~~California Dental Hygiene Board committee~~ the required biennial
14 renewal fee.

15 (d) Within 30 days of receiving a request either to restore an
16 inactive license or to inactivate a license, the ~~California Dental~~
17 ~~Hygiene Board committee~~ shall inform the applicant in writing
18 whether the application is complete and accepted for filing or is
19 deficient and, if so, the specific information required to complete
20 the application.

21 1941. It is the intent of this article that the ~~California Dental~~
22 ~~Hygiene Board committee~~ grant or renew approval of only those
23 educational programs for a registered dental hygienist, a registered
24 dental hygienist in alternative practice, and a registered dental
25 hygienist in extended functions that continuously maintain a high
26 quality standard of instruction.

27 1943. (a) The ~~California Dental Hygiene Board committee~~
28 may deny an application to take an examination for licensure as a
29 registered dental hygienist, a registered dental hygienist in
30 alternative practice, or a registered dental hygienist in extended
31 functions at any time prior to licensure for any of the following
32 reasons:

33 (1) The applicant committed an act that is a ground for license
34 suspension or revocation under this code or that is a ground for
35 the denial of licensure under Section 480.

36 (2) The applicant committed or aided and abetted the
37 commission of any act for which a license is required under this
38 chapter.

39 (3) Another state or territory suspended or revoked the license
40 that it had issued to the applicant on a ground that constitutes a

1 basis in this state for the suspension or revocation of licensure
2 under this article.

3 (b) The proceedings under this section shall be conducted in
4 accordance with Chapter 5 (commencing with Section 11500) of
5 Part 1 of Division 3 of Title 2 of the Government Code, and the
6 ~~California Dental Hygiene Board~~ *committee* shall have all of the
7 powers granted therein.

8 1944. (a) ~~The California Dental Hygiene Board~~ *committee*
9 shall establish by resolution the amount of the fees that relate to
10 the licensing of a registered dental hygienist, a registered dental
11 hygienist in alternative practice, and a registered dental hygienist
12 in extended functions. The fees are subject to the following
13 limitations:

14 (1) The application fee for an original license shall not exceed
15 twenty dollars (\$20).

16 (2) The fee for examination for licensure as a registered dental
17 hygienist shall not exceed two hundred twenty dollars (\$220).

18 (3) For third- and fourth-year dental students, the fee for
19 examination for licensure as a registered dental hygienist shall not
20 exceed the actual cost of the examination.

21 (4) The fee for examination for licensure as a registered dental
22 hygienist in extended functions shall not exceed two hundred fifty
23 dollars (\$250).

24 (5) The fee for examination for licensure as a registered dental
25 hygienist in alternative practice shall not exceed the actual cost of
26 administering the examination.

27 (6) The biennial renewal fee shall not exceed eighty dollars
28 (\$80).

29 (7) The delinquency fee shall not exceed twenty-five dollars
30 (\$25) or one-half of the renewal fee, whichever is greater. Any
31 delinquent license may be restored only upon payment of all fees,
32 including the delinquency fee, and compliance with all other
33 applicable requirements of this article.

34 (8) The fee for issuance of a duplicate license to replace one
35 that is lost or destroyed, or in the event of a name change, shall
36 not exceed twenty-five dollars (\$25) or one-half of the renewal
37 fee, whichever is greater.

38 (9) The fee for each curriculum review and site evaluation for
39 educational programs for dental hygienists that are not accredited
40 by a ~~California Dental Hygiene Board~~-approved

1 *committee-approved* agency, the Council for Private Postsecondary
2 and Vocational Education, or the Chancellor's office of the
3 California Community Colleges shall not exceed one thousand
4 four hundred dollars (\$1,400).

5 (10) The fee for each review of courses required for licensure
6 that are not accredited by a ~~California Dental Hygiene~~
7 ~~Board-approved~~ *committee-approved* agency, the Council for
8 Private Postsecondary and Vocational Education, or the
9 Chancellor's office of the California Community Colleges shall
10 not exceed three hundred dollars (\$300).

11 (11) The fee for a provider of continuing education shall not
12 exceed five hundred dollars (\$500) per year.

13 (12) The amount of fees payable in connection with permits
14 issued under Section 1962 is as follows:

15 (A) The initial permit fee is an amount equal to the renewal fee
16 for the applicant's license to practice dental hygiene in effect on
17 the last regular renewal date before the date on which the permit
18 is issued.

19 (B) If the permit will expire less than one year after its issuance,
20 then the initial permit fee is an amount equal to 50 percent of the
21 renewal fee in effect on the last regular renewal date before the
22 date on which the permit is issued.

23 (b) The renewal and delinquency fees shall be fixed by the
24 ~~California Dental Hygiene Board~~ *committee* at not more than the
25 current amount of the renewal fee for a license to practice under
26 this article nor less than five dollars (\$5).

27 (c) Fees fixed by the ~~California Dental Hygiene Board~~ *committee*
28 pursuant to this section shall not be subject to the approval of the
29 Office of Administrative Law.

30 (d) Fees collected pursuant to this section shall be collected by
31 the ~~California Dental Hygiene Board~~ *committee* and deposited into
32 the State Dental Hygiene Fund, which is hereby created. All money
33 in this fund shall, upon appropriation by the Legislature in the
34 annual Budget Act, be used to implement the provisions of this
35 article.

36 (e) No fees or charges other than those listed in this section shall
37 be levied by the ~~California Dental Hygiene Board~~ *committee* in
38 connection with the licensure of registered dental hygienists,
39 registered dental hygienists in alternative practice, or registered
40 dental hygienists in extended functions.

1 1945. On January 1, 2008, a percentage of the funds in the
2 State Dental Assistant Fund shall be transferred to the State Dental
3 Hygiene Fund based on the number of registered dental hygienists,
4 registered dental hygienists in alternative practice, and registered
5 dental hygienists in extended functions licensed on January 1,
6 2008, compared to all dental auxiliaries licensed by the Committee
7 on Dental Auxiliaries on January 1, 2008.

8 1947. A license issued under this article and a license issued
9 under this chapter to a registered dental hygienist, to a registered
10 dental hygienist in alternative practice, or to a registered dental
11 hygienist in extended functions may be revoked or suspended by
12 the ~~California Dental Hygiene Board~~ *committee* for any reason
13 specified in this article for the suspension or revocation of a license
14 to practice dental hygiene.

15 1949. A licensee may have his or her license revoked or
16 suspended, or may be reprimanded or placed on probation by the
17 ~~California Dental Hygiene Board~~ *committee* for unprofessional
18 conduct, incompetence, gross negligence, repeated acts of
19 negligence in his or her profession, receiving a license by mistake,
20 or for any other cause applicable to the licensee provided in this
21 article. The proceedings under this article shall be conducted in
22 accordance with Chapter 5 (commencing with Section 11500) of
23 Part 1 of Division 3 of Title 2 of the Government Code, and the
24 ~~California Dental Hygiene Board~~ *committee* shall have all the
25 powers granted therein.

26 1950. (a) A licensee may have his or her license revoked or
27 suspended, or may be reprimanded or placed on probation by the
28 ~~California Dental Hygiene Board~~ *committee*, for conviction of a
29 crime substantially related to the licensee's qualifications,
30 functions, or duties. The record of conviction or a copy certified
31 by the clerk of the court or by the judge in whose court the
32 conviction is had, shall be conclusive evidence of conviction.

33 (b) The ~~California Dental Hygiene Board~~ *committee* shall
34 undertake proceedings under this section upon the receipt of a
35 certified copy of the record of conviction. A plea or verdict of
36 guilty or a conviction following a plea of nolo contendere made
37 to a charge of a felony or of any misdemeanor substantially related
38 to the licensee's qualifications, functions, or duties is deemed to
39 be a conviction within the meaning of this section.

1 (c) The ~~California Dental Hygiene Board~~ *committee* may order
2 a license suspended or revoked, or may decline to issue a license
3 when any of the following occur:

4 (1) The time for appeal has elapsed.

5 (2) The judgment of conviction has been affirmed on appeal.

6 (3) An order granting probation is made suspending the
7 imposition of sentence, irrespective of a subsequent order under
8 any provision of the Penal Code, including, but not limited to,
9 Section 1203.4 of the Penal Code, allowing a person to withdraw
10 his or her plea of guilty and to enter a plea of not guilty, or setting
11 aside the verdict of guilty, or dismissing the accusation, information
12 or indictment.

13 1951. The ~~California Dental Hygiene Board~~ *committee* may
14 discipline a licensee by placing him or her on probation under
15 various terms and conditions that may include, but are not limited
16 to, the following:

17 (a) Requiring the licensee to obtain additional training or pass
18 an examination upon completion of training, or both. The
19 examination may be *a* written or oral ~~examinations~~ *examination*,
20 or both, and may be a practical or clinical examination, or both,
21 at the option of the ~~California Dental Hygiene Board~~ *committee*.

22 (b) Requiring the licensee to submit to a complete diagnostic
23 examination by one or more physicians appointed by the ~~California~~
24 ~~Dental Hygiene Board~~ *committee*, if warranted by the physical or
25 mental condition of the licensee. If the ~~California Dental Hygiene~~
26 ~~Board~~ *committee* requires the licensee to submit to an examination,
27 the ~~California Dental Hygiene Board~~ *committee* shall receive and
28 consider any other report of a complete diagnostic examination
29 given by one or more physicians of the licensee's choice.

30 (c) Restricting or limiting the extent, scope, or type of practice
31 of the licensee.

32 (d) Requiring restitution of fees to the licensee's patients or
33 payers of services, unless restitution has already been made.

34 (e) Providing the option of alternative community service in
35 lieu of all or part of a period of suspension in cases other than
36 violations relating to quality of care.

37 1952. It is unprofessional conduct for a person licensed under
38 this article to do any of the following:

39 (a) Obtain or possess in violation of law, or except as directed
40 by a licensed physician and surgeon, dentist, or podiatrist, a

1 controlled substance, as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous
3 drug as defined in Article 8 (commencing with Section 4211) of
4 Chapter 9.

5 (b) Use a controlled substance, as defined in Division 10
6 (commencing with Section 11000) of the Health and Safety Code,
7 or a dangerous drug as defined in Article 8 (commencing with
8 Section 4211) of Chapter 9, or alcoholic beverages or other
9 intoxicating substances, to an extent or in a manner dangerous or
10 injurious to himself or herself, to any person, or the public to the
11 extent that the use impairs the licensee's ability to conduct with
12 safety to the public the practice authorized by his or her license.

13 (c) Be convicted of a charge of violating any federal statute or
14 rules, or any statute or rule of this state, regulating controlled
15 substances, as defined in Division 10 (commencing with Section
16 11000) of the Health and Safety Code, or any dangerous drug, as
17 defined in Article 8 (commencing with Section 4211) of Chapter
18 9, or be convicted of more than one misdemeanor, or any felony,
19 involving the use or consumption of alcohol or drugs, if the
20 conviction is substantially related to the practice authorized by his
21 or her license. The record of conviction or a copy certified by the
22 clerk of the court or by the judge in whose court the conviction is
23 had, shall be conclusive evidence of a violation of this section. A
24 plea or verdict of guilty or a conviction following a plea of nolo
25 contendere is deemed to be a conviction within the meaning of
26 this section; the ~~California Dental Hygiene Board~~ *committee* may
27 order the license suspended or revoked, or may decline to issue a
28 license, when the time for appeal has elapsed or the judgment of
29 conviction has been affirmed on appeal, or when an order granting
30 probation is made suspending imposition of sentence, irrespective
31 of a subsequent order under any provision of the Penal Code,
32 including, but not limited to, Section 1203.4 of the Penal Code,
33 allowing a person to withdraw his or her plea of guilty and to enter
34 a plea of not guilty, or setting aside the verdict of guilty, or
35 dismissing the accusation, information or indictment.

36 1953. (a) A registered dental hygienist, registered dental
37 hygienist in alternative practice, or registered dental hygienist in
38 extended functions who performs a service on a patient in a dental
39 office shall identify himself or herself in the patient record by
40 signing his or her name or identification number and initials next

1 to the service performed, and shall date those treatment entries in
2 the record.

3 (b) A repeated violation of this section constitutes unprofessional
4 conduct.

5 1954. (a) It is unprofessional conduct for a person licensed
6 under this article to perform, or hold himself or herself out as able
7 to perform, professional services beyond the scope of his or her
8 license and field of competence, as established by his or her
9 education, experience, and training. This includes, but is not limited
10 to, using an instrument or device in a manner that is not in
11 accordance with the customary standards and practices of the dental
12 hygiene profession.

13 (b) This section shall not apply to research conducted by
14 accredited dental schools or dental hygiene schools, or to research
15 conducted pursuant to an investigational device exemption issued
16 by the United States Food and Drug Administration.

17 1955. (a) (1) A licensee who fails or refuses to comply with
18 a request for a patient's dental hygiene records that is accompanied
19 by that patient's written authorization for release of the records to
20 the ~~California Dental Hygiene Board~~ *committee*, within 15 days
21 of receiving the request and authorization, shall pay to the
22 ~~California Dental Hygiene Board~~ *committee* a civil penalty of two
23 hundred fifty dollars (\$250) per day for each day that the
24 documents have not been produced after the 15th day, up to a
25 maximum of five thousand dollars (\$5,000) unless the licensee is
26 unable to provide the documents within this time period for good
27 cause.

28 (2) A health care facility shall comply with a request for the
29 dental hygiene records of a patient that is accompanied by that
30 patient's written authorization for release of records to the
31 ~~California Dental Hygiene Board~~ *committee* together with a notice
32 citing this section and describing the penalties for failure to comply
33 with this section. Failure to provide the authorizing patient's dental
34 hygiene records to the ~~California Dental Hygiene Board~~ *committee*
35 within 30 days of receiving this request, authorization, and notice
36 shall subject the health care facility to a civil penalty, payable to
37 the ~~California Dental Hygiene Board~~ *committee*, of up to two
38 hundred fifty dollars (\$250) per day for each day that the
39 documents have not been produced after the 30th day, up to a
40 maximum of five thousand dollars (\$5,000), unless the health care

1 facility is unable to provide the documents within this time period
2 for good cause. This paragraph shall not require health care
3 facilities to assist the ~~California Dental Hygiene Board~~ *committee*
4 in obtaining the patient's authorization. The ~~California Dental~~
5 ~~Hygiene Board~~ *committee* shall pay the reasonable cost of copying
6 the dental hygiene records.

7 (b) (1) A licensee who fails or refuses to comply with a court
8 order issued in the enforcement of a subpoena mandating the
9 release of records to the ~~California Dental Hygiene Board~~
10 *committee* shall pay to the ~~California Dental Hygiene Board~~
11 *committee* a civil penalty of one thousand dollars (\$1,000) per day
12 for each day that the documents have not been produced after the
13 date by which the court order requires the documents to be
14 produced, unless it is determined that the order is unlawful or
15 invalid. Any statute of limitations applicable to the filing of an
16 accusation by the ~~California Dental Hygiene Board~~ *committee*
17 shall be tolled during the period the licensee is out of compliance
18 with the court order and during any related appeals.

19 (2) A licensee who fails or refuses to comply with a court order
20 issued in the enforcement of a subpoena mandating the release of
21 records to the ~~California Dental Hygiene Board~~ *committee* is guilty
22 of a misdemeanor punishable by a fine payable to the ~~California~~
23 ~~Dental Hygiene Board~~ *committee* not to exceed five thousand
24 dollars (\$5,000). The fine shall be added to the licensee's renewal
25 fee if it is not paid by the next succeeding renewal date. Any statute
26 of limitations applicable to the filing of an accusation by the
27 ~~California Dental Hygiene Board~~ *committee* shall be tolled during
28 the period the licensee is out of compliance with the court order
29 and during any related appeals.

30 (3) A health care facility that fails or refuses to comply with a
31 court order issued in the enforcement of a subpoena mandating
32 the release of patient records to the ~~California Dental Hygiene~~
33 ~~Board~~ *committee*, that is accompanied by a notice citing this section
34 and describing the penalties for failure to comply with this section,
35 shall pay to the ~~California Dental Hygiene Board~~ *committee* a civil
36 penalty of up to one thousand dollars (\$1,000) per day for each
37 day that the documents have not been produced, up to ten thousand
38 dollars (\$10,000), after the date by which the court order requires
39 the documents to be produced, unless it is determined that the order
40 is unlawful or invalid. Any statute of limitations applicable to the

1 filing of an accusation by the ~~California Dental Hygiene Board~~
2 ~~committee~~ against a licensee shall be tolled during the period the
3 health care facility is out of compliance with the court order and
4 during any related appeals.

5 (4) A health care facility that fails or refuses to comply with a
6 court order, issued in the enforcement of a subpoena, mandating
7 the release of records to the ~~California Dental Hygiene Board~~
8 ~~committee~~ is guilty of a misdemeanor punishable by a fine payable
9 to the ~~California Dental Hygiene Board committee~~ not to exceed
10 five thousand dollars (\$5,000). Any statute of limitations applicable
11 to the filing of an accusation by the ~~California Dental Hygiene~~
12 ~~Board committee~~ against a licensee shall be tolled during the period
13 the health care facility is out of compliance with the court order
14 and during any related appeals.

15 (c) Multiple acts by a licensee in violation of subdivision (b)
16 shall be punishable by a fine not to exceed five thousand dollars
17 (\$5,000) or by imprisonment in a county jail not exceeding six
18 months, or by both that fine and imprisonment. Multiple acts by
19 a health care facility in violation of subdivision (b) shall be
20 punishable by a fine not to exceed five thousand dollars (\$5,000)
21 and shall be reported to the State Department of Public Health and
22 shall be considered as grounds for disciplinary action with respect
23 to licensure, including suspension or revocation of the license or
24 certificate.

25 (d) A failure or refusal to comply with a court order issued in
26 the enforcement of a subpoena mandating the release of records
27 to the ~~California Dental Hygiene Board committee~~ constitutes
28 unprofessional conduct and is grounds for suspension or revocation
29 of his or her license.

30 (e) Imposition of the civil penalties authorized by this section
31 shall be in accordance with the Administrative Procedure Act
32 (Chapter 5 (commencing with Section 11500) of Division 3 of
33 Title 2 of the Government Code).

34 (f) For the purposes of this section, a “health care facility” means
35 a clinic or health care facility licensed or exempt from licensure
36 pursuant to Division 2 (commencing with Section 1200) of the
37 Health and Safety Code.

38 1956. It is unprofessional conduct for a person licensed under
39 this article to require, either directly or through an office policy,
40 or knowingly permit the delivery of dental hygiene care that

1 discourages necessary treatment, or permits clearly excessive,
2 incompetent, unnecessary, or grossly negligent treatment, or
3 repeated negligent acts, as determined by the standard of practice
4 in the community.

5 1957. (a) A person whose license has been revoked or
6 suspended, who has been placed on probation, or whose license
7 was surrendered pursuant to a stipulated settlement as a condition
8 to avoid a disciplinary administrative hearing, may petition the
9 ~~California Dental Hygiene Board~~ *committee* for reinstatement or
10 modification of penalty, including modification or termination of
11 probation, after a period of not less than the following minimum
12 periods have elapsed from the effective date of the decision
13 ordering disciplinary action:

14 (1) At least three years for reinstatement of a license revoked
15 for unprofessional conduct or surrendered pursuant to a stipulated
16 settlement as a condition to avoid an administrative disciplinary
17 hearing.

18 (2) At least two years for early termination, or modification of
19 a condition, of a probation of three years or more.

20 (3) At least one year for modification of a condition, or
21 reinstatement of a license revoked for mental or physical illness,
22 or termination, or modification of a condition, of a probation of
23 less than three years.

24 (b) The petition shall state any fact required by the ~~California~~
25 ~~Dental Hygiene Board~~ *committee*.

26 (c) The petition may be heard by the ~~California Dental Hygiene~~
27 ~~Board, or the California Dental Hygiene Board~~ *committee, or the*
28 *committee* may assign the petition to an administrative law judge
29 designated in Section 11371 of the Government Code.

30 (d) In considering reinstatement or modification or penalty, the
31 ~~California Dental Hygiene Board~~ *committee* or the administrative
32 law judge hearing the petition may consider the following:

33 (1) All activities of the petitioner since the disciplinary action
34 was taken.

35 (2) The offense for which the petitioner was disciplined.

36 (3) The petitioner's activities during the time the license,
37 certificate, or permit was in good standing.

38 (4) The petitioner's rehabilitative efforts, general reputation for
39 truth, and professional ability.

1 (e) The hearing may be continued from time to time as the
2 ~~California Dental Hygiene Board~~ *committee* or the administrative
3 law judge as designated in Section 11371 of the Government Code
4 finds necessary.

5 (f) The ~~California Dental Hygiene Board~~ *committee* or the
6 administrative law judge may impose necessary terms and
7 conditions on the licensee in reinstating a license, certificate, or
8 permit or modifying a penalty.

9 (g) A petition shall not be considered while the petitioner is
10 under sentence for any criminal offense, including any period
11 during which the petitioner is on court-imposed probation or parole.

12 (h) A petition shall not be considered while there is an
13 accusation or petition to revoke probation pending against the
14 person.

15 (i) The ~~California Dental Hygiene Board~~ *committee* may deny
16 without a hearing or argument any petition filed pursuant to this
17 section within a period of two years from the effective date of the
18 prior decision following a hearing under this section. Nothing in
19 this section shall be deemed to alter Sections 822 and 823.

20 1958. A person, company, or association is guilty of a
21 misdemeanor, and upon conviction, shall be punished by
22 imprisonment in a county jail not less than 10 days nor more than
23 one year, or by a fine of not less than one hundred dollars
24 (\$100) nor more than one thousand five hundred dollars (\$1,500),
25 or by both fine and imprisonment, who does any of the following:

26 (a) Assumes the title of “registered dental hygienist,” “registered
27 dental hygienist in alternative practice,” or “registered dental
28 hygienist in extended functions” or appends the letters “R.D.H.,”
29 “R.D.H.A.P.,” or “R.D.H.E.F.” to his or her name without having
30 had the right to assume the title conferred upon him or her through
31 licensure.

32 (b) Assumes any title, or appends any letters to his or her name,
33 with the intent to represent falsely that he or she has received a
34 dental hygiene degree or a license under this article.

35 (c) Engages in the practice of dental hygiene without causing
36 to be displayed in a conspicuous place in his or her office his or
37 her license under this article to practice dental hygiene.

38 (d) Within 10 days after demand is made by the executive officer
39 of the ~~California Dental Hygiene Board~~ *committee*, fails to furnish
40 to the ~~California Dental Hygiene Board~~ *committee* the name and

1 address of all persons practicing or assisting in the practice of
2 dental hygiene in the office of the person, company, or association,
3 at any time within 60 days prior to the demand, together with a
4 sworn statement showing under and by what license or authority
5 this person, company, or association and any employees are or
6 have been practicing or assisting in the practice of dental hygiene.
7 This sworn statement shall not be used in any prosecution under
8 this section.

9 (e) Is under the influence of alcohol or a controlled substance
10 while engaged in the practice of dental hygiene in actual attendance
11 on patients to an extent that impairs his or her ability to conduct
12 the practice of dental hygiene with safety to patients and the public.

13 1959. A person who holds a valid, unrevoked, and unsuspended
14 certificate as a registered dental hygienist, registered dental
15 hygienist in alternative practice, or registered dental hygienist in
16 extended functions under this article may append the letters
17 “R.D.H.,” “R.D.H.A.P.,” or “R.D.H.E.F.” to his or her name.

18 1960. For the first offense, a person is guilty of a misdemeanor
19 and shall be punishable by a fine of not less than two hundred
20 dollars (\$200) nor more than three thousand dollars (\$3,000), or
21 by imprisonment in a county jail for not to exceed six months, or
22 ~~both by both that fine and imprisonment~~, and for the second or a
23 subsequent offense is guilty of a felony and upon conviction thereof
24 shall be punished by a fine of not less than two thousand dollars
25 (\$2,000) nor more than six thousand dollars (\$6,000), or by
26 imprisonment in the state prison, or by both that fine and
27 imprisonment, who does any of the following:

28 (a) Sells or barter or offers to sell or barter a dental hygiene
29 degree or transcript or a license issued under, or purporting to be
30 issued under, laws regulating licensure of dental hygienists.

31 (b) Purchases or procures by barter a diploma, license, or
32 transcript with intent that it shall be used ~~in~~ as evidence of the
33 holder’s qualification to practice dental hygiene, or in fraud of the
34 laws regulating the practice of dental hygiene.

35 (c) With fraudulent intent, makes, attempts to make, counterfeits,
36 or materially alters a diploma, certificate, or transcript.

37 (d) Uses, or attempts or causes to be used, any diploma,
38 certificate, or transcript that has been purchased, fraudulently
39 issued, counterfeited, or materially altered or in order to procure
40 licensure as a registered dental hygienist, registered dental hygienist

1 in alternative practice, or registered dental hygienist in extended
2 functions.

3 (e) In an affidavit required of an applicant for an examination
4 or license under this article, willfully makes a false statement in a
5 material regard.

6 (f) Practices dental hygiene or offers to practice dental hygiene,
7 as defined in this article, either without a license, or when his or
8 her license has been revoked or suspended.

9 (g) Under any false, assumed or fictitious name, either as an
10 individual, firm, corporation or otherwise, or any name other than
11 the name under which he or she is licensed, practices, advertises,
12 or in any other manner indicates that he or she practices or will
13 practice dental hygiene, except a name specified in a valid permit
14 issued pursuant to Section 1962.

15 1961. A person who willfully, under circumstances that cause
16 risk of bodily harm, serious physical or mental illness, or death,
17 practices, attempts to practice, advertises, or holds himself or
18 herself out as practicing dental hygiene without having at the time
19 of so doing a valid, unrevoked, and unsuspended license as
20 provided in this chapter, is guilty of a crime, punishable by
21 imprisonment in a county jail for up to one year. The remedy
22 provided in this section shall not preclude any other remedy
23 provided by law.

24 1962. (a) An association, partnership, corporation, or group
25 of three or more registered dental hygienists, registered dental
26 hygienists in alternative practice, or registered dental hygienists
27 in extended functions engaging in practice under a name that would
28 otherwise be in violation of Section 1960, may practice under that
29 name if the association, partnership, corporation, or group holds
30 an unexpired, unsuspended, and unrevoked permit issued by the
31 ~~California Dental Hygiene Board~~ *committee* under this section.

32 (b) An individual registered dental hygienist, registered dental
33 hygienist in alternative practice, or registered dental hygienist in
34 extended functions, or a pair of registered dental hygienists,
35 registered dental hygienists in alternative practice, or registered
36 dental hygienists in extended functions, who practice dental
37 hygiene under a name that would otherwise violate Section 1960
38 may practice under that name if the licensees hold a valid permit
39 issued by the ~~California Dental Hygiene Board~~ *committee* under
40 this section. The ~~California Dental Hygiene Board~~ *committee* shall

1 issue a written permit authorizing the holder to use a name
2 specified in the permit in connection with the holder's practice if
3 the ~~California Dental Hygiene Board~~ *committee* finds all of the
4 following:

5 (1) The applicant or applicants are duly licensed registered
6 dental hygienists, registered dental hygienists in alternative
7 practice, or registered dental hygienists in extended functions.

8 (2) The place where the applicant or applicants practice is owned
9 or leased by the applicant or applicants, and the practice conducted
10 at the place is wholly owned and entirely controlled by the
11 applicant or applicants.

12 (3) The name under which the applicant or applicants propose
13 to operate contains at least one of the following designations:
14 "dental hygiene group," "dental hygiene practice," or "dental
15 hygiene office," contains the family name of one or more of the
16 past, present, or prospective associates, partners, shareholders, or
17 members of the group, and is in conformity with Section 651 and
18 not in violation of subdivisions (i) and (l) of Section 1680.

19 (4) All licensed persons practicing at the location designated in
20 the application hold valid licenses and no charges of unprofessional
21 conduct are pending against any person practicing at that location.

22 (c) A permit issued under this section shall expire and become
23 invalid unless renewed in the manner provided for in this article
24 for the renewal of certificates issued under this article.

25 (d) A permit issued under this section may be revoked or
26 suspended if the ~~California Dental Hygiene Board~~ *committee* finds
27 that any requirement for original issuance of a permit is no longer
28 being fulfilled by the permitholder. Proceedings for revocation or
29 suspension shall be governed by the Administrative Procedure
30 Act.

31 (e) If charges of unprofessional conduct are filed against the
32 holder of a permit issued under this section, or a member of an
33 association, partnership, group, or corporation to whom a permit
34 has been issued under this section, proceedings shall not be
35 commenced for revocation or suspension of the permit until a final
36 determination of the charges of unprofessional conduct, unless the
37 charges have resulted in revocation or suspension of a license.

38 1963. The ~~California Dental Hygiene Board~~ *committee* may
39 prefer a complaint for violation of any part of this article before
40 any court of competent jurisdiction and may, by its officers, counsel

1 and agents, assist in presenting the law or facts at the trial. The
2 district attorney of each county in this state shall prosecute all
3 violations of this article in their respective counties in which the
4 violations occur.

5 1964. In addition to the other proceedings provided for in this
6 article, on application of the ~~California Dental Hygiene Board~~
7 *committee*, the superior court of any county shall issue an
8 injunction to restrain an unlicensed person from conducting the
9 practice of dental hygiene, as defined in this article.

10 1965. If a person has engaged in or is about to engage in an
11 act that constitutes an offense against this chapter, the superior
12 court of any county, on application of 10 or more persons holding
13 licenses to practice dental hygiene issued under this article, may
14 issue an injunction or other appropriate order restraining that
15 conduct. Proceedings under this section shall be governed by
16 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
17 the Code of Civil Procedure.

18 1966. (a) It is the intent of the Legislature that the ~~California~~
19 ~~Dental Hygiene Board~~ *committee* seek ways and means to identify
20 and rehabilitate licensees whose competency may be impaired due
21 to abuse of dangerous drugs or alcohol, so that licensees so afflicted
22 may be treated and returned to the practice of dental hygiene in a
23 manner that will not endanger the public health and safety. It is
24 also the intent of the Legislature that the ~~California Dental Hygiene~~
25 ~~Board~~ *committee* establish a diversion program as a voluntary
26 alternative approach to traditional disciplinary actions.

27 (b) One or more diversion evaluation committees shall be
28 established by the ~~California Dental Hygiene Board~~. The ~~California~~
29 ~~Dental Hygiene Board~~ *committee*. The *committee* shall establish
30 criteria for the selection of each *diversion evaluation* committee.
31 Each member of a diversion evaluation committee shall receive
32 per diem and expenses as provided in Section 103.

33 1966.1. (a) The ~~California Dental Hygiene Board~~ *committee*
34 shall establish criteria for the acceptance, denial, or termination
35 of licensees in a diversion program. Unless ordered by the
36 ~~California Dental Hygiene Board~~ *committee* as a condition of a
37 licensee's disciplinary probation, only those licensees who have
38 voluntarily requested diversion treatment and supervision by a
39 diversion evaluation committee shall participate in a diversion
40 program.

1 (b) A licensee who is not the subject of a current investigation
2 may self-refer to the diversion program on a confidential basis,
3 except as provided in subdivision (f).

4 (c) A licensee under current investigation by the ~~California~~
5 ~~Dental Hygiene Board~~ *committee* may also request entry into a
6 diversion program by contacting the ~~California Dental Hygiene~~
7 ~~Board~~ *committee*. The ~~California Dental Hygiene Board~~ *committee*
8 may refer the licensee requesting participation in the program to
9 a diversion evaluation committee for evaluation of eligibility. Prior
10 to authorizing a licensee to enter into the diversion program, the
11 ~~California Dental Hygiene Board~~ *committee* may require the
12 licensee, while under current investigation for any violations of
13 this article or other violations, to execute a statement of
14 understanding that states that the licensee understands that his or
15 her violations of this article or other statutes, that would otherwise
16 be the basis for discipline, may still be investigated and the subject
17 of disciplinary action.

18 (d) If the reasons for a current investigation of a licensee are
19 based primarily on the self-administration of any controlled
20 substance or dangerous drugs or alcohol under Section 1681, or
21 the illegal possession, prescription, or nonviolent procurement of
22 any controlled substance or dangerous drugs for self-administration
23 that does not involve actual, direct harm to the public, the
24 ~~California Dental Hygiene Board~~ *committee* shall close the
25 investigation without further action if the licensee is accepted into
26 the ~~California Dental Hygiene Board's~~ *committee's* diversion
27 program and successfully completes the requirements of the
28 program. If the licensee withdraws or is terminated from the
29 program by a diversion evaluation committee, the investigation
30 shall be reopened and disciplinary action imposed, if warranted,
31 as determined by the ~~California Dental Hygiene Board~~ *committee*.

32 (e) Neither acceptance nor participation in the diversion program
33 shall preclude the ~~California Dental Hygiene Board~~ *committee*
34 from investigating or continuing to investigate, or taking
35 disciplinary action or continuing to take disciplinary action against,
36 any licensee for any unprofessional conduct committed before,
37 during, or after participation in the diversion program.

38 (f) All licensees shall sign an agreement of understanding that
39 the withdrawal or termination from the diversion program at a time
40 when a diversion evaluation committee determines the licensee

1 presents a threat to the public's health and safety shall result in the
2 utilization by the ~~California Dental Hygiene Board~~ *committee* of
3 diversion treatment records in disciplinary or criminal proceedings.

4 (g) Any licensee terminated from the diversion program for
5 failure to comply with program requirements is subject to
6 disciplinary action by the ~~California Dental Hygiene Board~~
7 *committee* for acts committed before, during, and after participation
8 in the diversion program. A licensee who has been under
9 investigation by the ~~California Dental Hygiene Board~~ *committee*
10 and has been terminated from the diversion program by a diversion
11 evaluation committee shall be reported by the diversion evaluation
12 committee to the ~~California Dental Hygiene Board~~ *committee*.

13 1966.2. Each diversion evaluation committee shall have the
14 following duties and responsibilities:

15 (a) To evaluate those licensees who request to participate in the
16 diversion program according to the guidelines prescribed by the
17 ~~California Dental Hygiene Board~~ *committee* and to consider the
18 recommendations of any licensees designated by the ~~California~~
19 ~~Dental Hygiene Board~~ *committee* to serve as consultants on the
20 admission of the licensee to the diversion program.

21 (b) To review and designate those treatment facilities to which
22 licensees in a diversion program may be referred.

23 (c) To receive and review information concerning a licensee
24 participating in the program.

25 (d) To consider in the case of each licensee participating in a
26 program whether he or she may safely continue or resume the
27 practice of dental hygiene.

28 (e) To perform other related duties as the ~~California Dental~~
29 ~~Hygiene Board~~ *committee* may by regulation require.

30 1966.3. Notwithstanding the provisions of Article 9
31 (commencing with Section 11120) of Chapter 1 of Part 1 of
32 Division 3 of Title 2 of the Government Code, relating to public
33 meetings, a diversion evaluation committee may convene in closed
34 session to consider reports pertaining to any licensee requesting
35 or participating in a diversion program. A *diversion evaluation*
36 committee shall only convene in closed session to the extent that
37 it is necessary to protect the privacy of a licensee.

38 1966.4. Each licensee who requests participation in a diversion
39 program shall agree to cooperate with the treatment program
40 designed by a diversion evaluation committee and to bear all costs

1 related to the program, unless the cost is waived by the ~~California~~
2 ~~Dental Hygiene Board~~ *committee*. Any failure to comply with the
3 provisions of a treatment program may result in termination of the
4 licensee's participation in a program.

5 1966.5. (a) After a diversion evaluation committee, in its
6 discretion, has determined that a licensee has been rehabilitated
7 and the diversion program is completed, the diversion evaluation
8 committee shall purge and destroy all records pertaining to the
9 licensee's participation in the diversion program.

10 (b) Except as authorized by subdivision (f) of Section 1966.1,
11 all ~~California Dental Hygiene Board~~ *committee* and diversion
12 evaluation committee records and records of proceedings pertaining
13 to the treatment of a licensee in a program shall be kept confidential
14 and are not subject to discovery or subpoena.

15 1966.6. The ~~California Dental Hygiene Board~~ *committee* shall
16 provide for the representation of any person making reports to a
17 diversion evaluation committee or the ~~California Dental Hygiene~~
18 ~~Board~~ *committee* under this article in any action for defamation
19 for reports or information given to the diversion evaluation
20 committee or the ~~California Dental Hygiene Board~~ *committee*
21 regarding a licensee's participation in the diversion program.

22 ~~SEC. 32.~~

23 *SEC. 43.* Section 4999.2 of the Business and Professions Code
24 is amended to read:

25 4999.2. (a) In order to obtain and maintain a registration,
26 in-state or out-of-state telephone medical advice services shall
27 comply with the requirements established by the department. Those
28 requirements shall include, but shall not be limited to, all of the
29 following:

30 (1) (A) Ensuring that all staff who provide medical advice
31 services are appropriately licensed, certified, or registered as a
32 physician and surgeon pursuant to Chapter 5 (commencing with
33 Section 2000) or the Osteopathic Initiative Act, as a dentist or
34 dental hygienist pursuant to Chapter 4 (commencing with Section
35 1600), as a psychologist pursuant to Chapter 6.6 (commencing
36 with Section 2900), as a marriage and family therapist pursuant
37 to Chapter 13 (commencing with Section 4980), as a licensed
38 clinical social worker pursuant to Chapter 14 (commencing with
39 Section 4990), as an optometrist pursuant to Chapter 7
40 (commencing with Section 3000), or as a chiropractor pursuant to

1 the Chiropractic Initiative Act, and operating consistent with the
2 laws governing their respective scopes of practice in the state
3 within which they provide telephone medical advice services,
4 except as provided in paragraph (2).

5 (B) Ensuring that all staff who provide telephone medical advice
6 services from an out-of-state location are health care professionals,
7 as identified in subparagraph (A), who are licensed, registered, or
8 certified in the state within which they are providing the telephone
9 medical advice services and are operating consistent with the laws
10 governing their respective scopes of practice.

11 (2) Ensuring that all registered nurses providing telephone
12 medical advice services to both in-state and out-of-state business
13 entities registered pursuant to this chapter are licensed pursuant
14 to Chapter 6 (commencing with Section 2700).

15 (3) Ensuring that the telephone medical advice provided is
16 consistent with good professional practice.

17 (4) Maintaining records of telephone medical advice services,
18 including records of complaints, provided to patients in California
19 for a period of at least five years.

20 (5) Ensuring that no staff member uses a title or designation
21 when speaking to an enrollee or subscriber that may cause a
22 reasonable person to believe that the staff member is a licensed,
23 certified, or registered professional described in subparagraph (A)
24 of paragraph (1), unless the staff member is a licensed, certified,
25 or registered professional.

26 (6) Complying with all directions and requests for information
27 made by the department.

28 (b) To the extent permitted by Article VII of the California
29 Constitution, the department may contract with a private nonprofit
30 accrediting agency to evaluate the qualifications of applicants for
31 registration pursuant to this chapter and to make recommendations
32 to the department.

33 ~~SEC. 33.~~

34 *SEC. 44.* Section 4999.7 of the Business and Professions Code
35 is amended to read:

36 4999.7. (a) Nothing in this section shall limit, preclude, or
37 otherwise interfere with the practices of other persons licensed or
38 otherwise authorized to practice, under any other provision of this
39 division, telephone medical advice services consistent with the
40 laws governing their respective scopes of practice, or licensed

under the Osteopathic Initiative Act or the Chiropractic Initiative Act and operating consistent with the laws governing their respective scopes of practice.

(b) For the purposes of this chapter, “telephone medical advice” means a telephonic communication between a patient and a health care professional in which the health care professional’s primary function is to provide to the patient a telephonic response to the patient’s questions regarding his or her or a family member’s medical care or treatment. “Telephone medical advice” includes assessment, evaluation, or advice provided to patients or their family members.

(c) For the purposes of this chapter, “health care professional” is a staff person described in Section 4999.2 who provides medical advice services and is appropriately licensed, certified, or registered as a registered nurse pursuant to Chapter 6 (commencing with Section 2700), as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act, as a dentist or dental hygienist pursuant to Chapter 4 (commencing with Section 1600), as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900), as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980), as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4990), as an optometrist pursuant to Chapter 7 (commencing with Section 3000), or as a chiropractor pursuant to the Chiropractic Initiative Act, and who is operating consistent with the laws governing his or her respective scopes of practice in the state in which he or she provides telephone medical advice services.

~~SEC. 34.~~

SEC. 45. Section 44876 of the Education Code is amended to read:

44876. The qualifications for a dental hygienist shall be a valid license issued by the ~~California Dental Hygiene Board Committee on Dental Hygiene~~ or by the Dental Board of California and either a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

~~SEC. 35.~~

SEC. 46. Section 1348.8 of the Health and Safety Code is amended to read:

1 1348.8. (a) Every health care service plan that provides,
2 operates, or contracts for telephone medical advice services to its
3 enrollees and subscribers shall do all of the following:

4 (1) Ensure that the in-state or out-of-state telephone medical
5 advice service is registered pursuant to Chapter 15 (commencing
6 with Section 4999) of Division 2 of the Business and Professions
7 Code.

8 (2) Ensure that the staff providing telephone medical advice
9 services for the in-state or out-of-state telephone medical advice
10 service are licensed as follows:

11 (A) For full service health care service plans, the staff hold a
12 valid California license as a registered nurse or a valid license in
13 the state within which they provide telephone medical advice
14 services as a physician and surgeon or physician assistant, and are
15 operating in compliance with the laws governing their respective
16 scopes of practice.

17 (B) (i) For specialized health care service plans providing,
18 operating, or contracting with a telephone medical advice service
19 in California, the staff shall be appropriately licensed, registered,
20 or certified as a physician and surgeon pursuant to Chapter 5
21 (commencing with Section 2000) of Division 2 of the Business
22 and Professions Code or the Osteopathic Initiative Act, as a
23 registered nurse pursuant to Chapter 6 (commencing with Section
24 2700) of Division 2 of the Business and Professions Code, as a
25 dentist or a dental hygienist pursuant to Chapter 4 (commencing
26 with Section 1600) of Division 2 of the Business and Professions
27 Code, as a psychologist pursuant to Chapter 6.6 (commencing with
28 Section 2900) of Division 2 of the Business and Professions Code,
29 as a marriage and family therapist pursuant to Chapter 13
30 (commencing with Section 4980) of Division 2 of the Business
31 and Professions Code, as a licensed clinical social worker pursuant
32 to Chapter 14 (commencing with Section 4990) of Division 2 of
33 the Business and Professions Code, as an optometrist pursuant to
34 Chapter 7 (commencing with Section 3000) of Division 2 of the
35 Business and Professions Code, or as a chiropractor pursuant to
36 the Chiropractic Initiative Act, and operating in compliance with
37 the laws governing their respective scopes of practice.

38 (ii) For specialized health care service plans providing,
39 operating, or contracting with an out-of-state telephone medical
40 advice service, the staff shall be health care professionals, as

1 identified in clause (i), who are licensed, registered, or certified
2 in the state within which they are providing the telephone medical
3 advice services and are operating in compliance with the laws
4 governing their respective scopes of practice. All registered nurses
5 providing telephone medical advice services to both in-state and
6 out-of-state business entities registered pursuant to this chapter
7 shall be licensed pursuant to Chapter 6 (commencing with Section
8 2700) of Division 2 of the Business and Professions Code.

9 (3) Ensure that every full service health care service plan
10 provides for a physician and surgeon who is available on an on-call
11 basis at all times the service is advertised to be available to
12 enrollees and subscribers.

13 (4) Ensure that staff members handling enrollee or subscriber
14 calls, who are not licensed, certified, or registered as required by
15 paragraph (2), do not provide telephone medical advice. Those
16 staff members may ask questions on behalf of a staff member who
17 is licensed, certified, or registered as required by paragraph (2),
18 in order to help ascertain the condition of an enrollee or subscriber
19 so that the enrollee or subscriber can be referred to licensed staff.
20 However, under no circumstances shall those staff members use
21 the answers to those questions in an attempt to assess, evaluate,
22 advise, or make any decision regarding the condition of an enrollee
23 or subscriber or determine when an enrollee or subscriber needs
24 to be seen by a licensed medical professional.

25 (5) Ensure that no staff member uses a title or designation when
26 speaking to an enrollee or subscriber that may cause a reasonable
27 person to believe that the staff member is a licensed, certified, or
28 registered professional described in Section 4999.2 unless the staff
29 member is a licensed, certified, or registered professional.

30 (6) Ensure that the in-state or out-of-state telephone medical
31 advice service designates an agent for service of process in
32 California and files this designation with the director.

33 (7) Requires that the in-state or out-of-state telephone medical
34 advice service makes and maintains records for a period of five
35 years after the telephone medical advice services are provided,
36 including, but not limited to, oral or written transcripts of all
37 medical advice conversations with the health care service plan's
38 enrollees or subscribers in California and copies of all complaints.
39 If the records of telephone medical advice services are kept out of
40 state, the health care service plan shall, upon the request of the

1 director, provide the records to the director within 10 days of the
2 request.

3 (8) Ensure that the telephone medical advice services are
4 provided consistent with good professional practice.

5 (b) The director shall forward to the Department of Consumer
6 Affairs, within 30 days of the end of each calendar quarter, data
7 regarding complaints filed with the department concerning
8 telephone medical advice services.

9 (c) For the purposes of this section, “telephone medical advice”
10 means a telephonic communication between a patient and a health
11 care professional in which the health care professional’s primary
12 function is to provide to the patient a telephonic response to the
13 patient’s questions regarding his or her or a family member’s
14 medical care or treatment. “Telephone medical advice” includes
15 assessment, evaluation, or advice provided to patients or their
16 family members.

17 ~~SEC. 36.~~

18 *SEC. 47.* Section 128160 of the Health and Safety Code is
19 amended to read:

20 128160. (a) Pilot projects may be approved in the following
21 fields:

22 (1) Expanded role medical auxiliaries.

23 (2) Expanded role nursing.

24 (3) Expanded role dental auxiliaries, dental hygienists, dental
25 hygienists in alternative practice, or dental hygienists in extended
26 functions.

27 (4) Maternal child care personnel.

28 (5) Pharmacy personnel.

29 (6) Mental health personnel.

30 (7) Other health care personnel including, but not limited to,
31 veterinary personnel, chiropractic personnel, podiatric personnel,
32 geriatric care personnel, therapy personnel, and health care
33 technicians.

34 (b) Projects that operate in rural and central city areas shall be
35 given priority.

36 *SEC. 48. The Legislature finds and declares that Section 42*
37 *of this act, which adds Article 9 (commencing with Section 1900)*
38 *to Chapter 4 of Division 2 of the Business and Professions Code,*
39 *imposes a limitation on the public’s right of access to the meetings*
40 *of public bodies or the writings of public officials and agencies*

1 *within the meaning of Section 3 of Article I of the California*
2 *Constitution. Pursuant to that constitutional provision, the*
3 *Legislature makes the following findings to demonstrate the interest*
4 *protected by this limitation and the need for protecting that*
5 *interest:*

6 *In order to encourage participation in a diversion evaluation*
7 *program that would identify and rehabilitate dental hygiene*
8 *licensees who may be impaired due to abuse of dangerous drugs*
9 *or alcohol, in order to protect the public health and safety, it is*
10 *necessary and appropriate to provide limited confidentiality to*
11 *certain records and proceedings.*

12 ~~SEC. 37.~~

13 *SEC. 49.* No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.